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JOURNAL

OF THE

HOUSE OF REPRESENTATIVES

OF THE

STATE OF MISSISSIPPI,

At a regular session thereof, begun and holden in pursuance of Law, at the State House, in the City of Jackson, in the county of Hinds, on Monday, the 5th day of January, Anno Domini, one thousand eight hundred and forty-six, the sixty-ninth year of the independence of the United States of America, and of the sovereignty of the State of Mississippi the twenty-ninth.

MONDAY, JANUARY 5, 1846.

BE IT REMEMBERED, that on this day, at the place aforesaid, being the time and place designated by law, for the assemblage of the Legislature of the State of Mississippi, the members of the House of Representatives, convened in the Representative Hall, at 11 o'clock, A. M., were called to order by Mr. Wade, member elect from the county of Holmes; and upon the motion of Mr. McNabb, the Hon. J. L. Totten was called to the Chair, and Gen. C. M. Price appointed Secretary, pro tem., for the purpose of organizing the House.

The counties being called on alphabetically, the following gentlemen presented themselves to the Chairman, and took the oath prescribed by the constitution, viz:

From the county of Adams—W. B. Fowles and B. Pendleton.

From the county of Natchez—R. North.

[illegible] the county of Amite—J. M. Smiley and T. M. Rogers.

[illegible] the county of Attala—S. N. Gilleland.

From the county of Bolivar—J. H. Carson.

From the county of Claiborne—H. W. Allen and W. R[illegible]man.

From the county of Clarke—Isham Moody.

From the county of Carroll—B. Kennedy and John A. Bin[illegible].

From the county of Copiah—R. E. Harris and J. H. Thompson.

From the county of Chickasaw—James F. Walker.

From the county of Coahoma—J. S. Alcorn.

From the county of Choctaw—Geo. H. Archer and Geo. Huie.

From the county of DeSoto—J. W. Campbell and H. Robinson

From the county of Franklin—Thos. S. Head.

From the county of Greene—John McInnis.

From the county of Hancock—B. S. Leonard.

From the county of Harrison—John J. McCaughan.

From the county of Hinds—S. A. D. Greaves, C. S. Spann, H. Pope and A. R. C[illegible]een.

From the county of Holmes—J. W. Wade and David Beaty.

From the county of Issaquena—James J. B. White.

From the county of Itawamba—Wm. Beene, James C. Hinds and W[illegible] [illegible]rt.

From the county of Jackson—L. Rendall.

From the county of Jeff[illegible]

From the [illegible] of Jas[illegible]

From the [illegible] of Jon[illegible]

From the [illegible] of Ken[illegible]

From the [illegible] of Lau[illegible]

From the [illegible] of La[illegible]

[illegible]

From the [illegible] of Lo[illegible]

[illegible]

From the [illegible] of Lea[illegible]

From the [illegible] of Lafa[illegible]

[illegible]

From the county of Mari[illegible]

From the [illegible] of Ma[illegible]

[illegible]

From the county of Mars[illegible]

[illegible] owan.

Library, State
North Carolina

From the county of Monroe—T. C. Moore and R. Dilworth.

From the county of Newton—J. M. Loper.

From the county of Noxubee—J. M. Maxey and J. D. Brooks.

From the county of Neshoba—Ira N. Nash.

From the county of Octibbeha—W. R. Cannon.

From the county of Pike—E. Rushing and Wm. Simmons.

From the county of Perry—G. H. Holleman.

From the county of Rankin—S. C. Farrar and J. Y. McNabb.

From the county of Scott—A. H. Metcalf.

From the county of Sunflower—Jas. J. Chewning.

From the county of Smith—T. L. Lemley.

From the county of Simpson—J. Berry.

From the county of Tallahatchie—J. S. Bailey.

From the county of Tishemingo—A. B. Dilworth, D. W. Hyneman and S. O. Gibbs.

From the county of Tippah—E. A. Warren. D. Griffin, C. A. Green and J. H. Berry.

From the county of Tunica—S. May.

From the county of Washington—A. F. Smith.

From the county of Wayne—Jos. Frost.

From the county of Winston—S. W. Smyth and Thomas J. Hughes.

From the county of Warren and city of Vicksburg—J. E. Sharkey.

From the city of Vicksburg—M. Emanuel.

From the county of Wilkinson—H. F. Simral.

From the county of Yazoo—George W. Woodbury and R. L. Adams.

From the county of Yallobusha—R. H. Leigh, C. H. Guy and D. York.

On motion of Mr. Kennedy,

The House proceeded to the election of a Speaker.

Whereupon the following gentlemen were put in nomination:

Mr. Kennedy suggested the name of J. W. Wade, of Holmes.

Mr. Buford the name of James Whitfield, of Lowndes.

Mr. Sharkey the name of J. M. Smiley, of Amite.

On motion of Mr. Cushman,

Messrs. Green of Tippah, and Harris, were appointed tellers.

Upon counting the votes, it appeared that,

385472

Mr. Whitfield received 49 votes.
" Wade " 19 "
" Smiley " 21 "

Mr. Whitfield having received a majority of all the votes cast, was declared to be duly and constitutionally elected Speaker, and was conducted to the Chair, by Messrs. Green, of Tippah, and Harris; and after having taken the oath prescribed by the constitution, delivered an appropriate address, expressive of his thanks to the House.

On motion of Mr. Wade,

The House then proceeded to the election of Clerk, under the direction of the same tellers.

Mr. Moore suggested the name of John D. Montgomery, of Lowndes.

Mr. Fontaine the name of Samuel Rohrer, of Hinds.

Mr. Chewning the name of Joseph S. Leake, of Sunflower.

Mr. Gilleland the name of E. P. Russell, of Attala.

On first ballot, Mr. Montgomery received 40 votes.
" Rohrer " 30 "
" Leake " 3 "
" Russell " 2 "

No one having received a constitutional majority, there was no choice.

Mr. Cushman moved that the House adjourn until 3 o'clock, P. M., which failing, the House proceeded to a second balloting, and resulted as follows:

Mr. Montgomery received 49 votes,
Rohrer " 35 "
Russell " 9 "
Blank " 1 "

Mr. Montgomery having received a constitutional majority of all the votes, was declared to be duly elected Clerk, took the oath of office, and entered upon the discharge of his official duties.

Mr. Fontaine moved that the House proceed to the election of a Door-keeper.

Before the question was taken,

On motion of Mr. Harris,

The House adjourned until 3 o'clock, P. M.

THREE O'CLOCK, P. M.

The House met pursuant to adjournment.

The question then recurred upon Mr. Fontaine's motion to go into the election of Door-keeper, pending the adjournment, which was withdrawn, to enable Mr. Harris to offer the following resolution, viz:

Resolved, That the appointment of Reading Clerk shall be made by the votes of the House of Representatives, and not by the Chief Clerk;

Which being adopted,

The House proceeded to the election.

Mr. Harris suggested the name of E. P. Howe.

Mr. Gilleland the name of N. G. North.

The vote being taken *viva voce*, resulted as follows:

Those who voted for Mr. North, are:

Mr. Speaker, Messrs. Allen, Alcorn, Abbott, Adams, Archer, Beaty, Bynum, Brooks, Berry of Tippah, Baily, Binford, Beene, Buford, Cypert, Carson, Campbell, Chambers, Connell, Crain, Cowan, Cannon, Chewning, Dilworth of Monroe, Dilworth of Tishemingo, Ewing, Emanuel, Foster, Farrar, Frost, Gibbs, Gilleland, Greaves, Green of Hinds, Guy, Head, Hughes, Hinds, Hyneman, Leigh, Loper, Martin, Malone, Moody, Metcalf, May, McInnis, McDonald, McNabb, Moore, Nash, North, Pendleton, Pope, Potts, Rushing, Rogers, Robertson, Stuart, Smiley, Spann, Singleton, Smyth of Winston, Smith of Washington, Sharkey, Simral, Totten, White, Weathersby, Woodbury and York—72.

Those who voted for Mr. Howe, are:

Messrs. Fontaine, Harris, Huie, Holleman, Kennedy, Lemley, Millsaps, Pettus, Randall, Rossman, Simmons, Thompson, Torrey, Walker and Wall—15.

Mr. North having received a majority of all the votes given, was declared elected Reading Clerk.

Mr. Fontaine's motion having been received, the House proceeded to the election of a Door-keeper; Messrs. Smiley and Griffin acting as tellers.

Mr. Gilleland proposed the name of James Hubbard.

Mr. Harris the name of D. M. Wilkinson.

Mr. Warren the name of James Biffle.

Mr. Bynum the name of E. S. Farish.

On the first ballot, it appeared that,

James Hubbard	received	13	votes.
Mr. Wilkinson	"	12	"
" Biffle	"	28	"
" Farish	"	41	"
" Shannon	"	1	"

No choice being made,

Mr. Allen moved that the House elect the Door-keeper *viva voce*, Which was adopted.

Before proceeding to the election, the vote just taken, was,

On motion of Mr. Wade,

Reconsidered, and the House proceeded to a second balloting, the name of Mr. Wilkinson having been withdrawn.

Upon counting the votes, it appeared that,

Mr. Farish	received	59	votes.
" Hubbard	"	7	"
" Biffle	"	28	"
" Wilkinson		1	"

Mr. Farish having received a majority of the votes given, was declared elected; and duly qualified.

The following message was received from the Senate, by Mr. Wilcox, their Secretary:

Mr. Speaker—I am instructed by the Senate, to inform the House of Representatives, that they have elected the Hon. Geo. T. Swann, President of the Senate; John A. Wilcox, Secretary; and James Hudson, Door-keeper, and are now ready to proceed to business.

On motion of Mr. Cushman,

Resolved, That the rules and regulations of the last Legislature, be adopted for the government of this House, until otherwise altered.

On motion of Mr. Wade,

Resolved, That the Clerk elect be instructed to inform the Senate, that the House of Representatives have met, formed a quorum, and elected James Whitfield, Speaker; John D. Montgomery, Clerk, and E. S. Farish, Door-deeper, and are now ready to proceed to business.

On motion of Mr. Lemley,

The House adjourned until to-morrow morning, 10 o'clock.

TUESDAY, JANUARY 6, 1846.

The House met pursuant to adjournment.

The following message was received from the Senate, by Mr. Wilcox, their Secretary, viz:

MR. SPEAKER—I am instructed by the Senate to inform the House of Representatives, that they have adopted the following resolutions:

Resolved, (the House of Representatives concurring) That the two Houses meet in the Representative Hall, on Wednesday next, at 11 o'clock A. M., for the purpose of electing a Sergeant-at-arms, State Printer and Librarian.

Resolved, That a committee of three on the part of the Senate, and —— on the part of the House of Representatives, be appointed to wait on His Excellency the Governor, and inform him that the two Houses have organized, and are now ready to receive any communication he may wish to make to them, and have appointed on the part of the Senate, Messrs. Boone, Miles, and Adams.

Resolved, (with the concurrence of the House of Representatives,) That the joint rules of the two Houses, adopted at the last session, be adopted as the joint rules of the present session.

Mr. E. J. Sessions, member elect from the county of Warren, presented his credentials and took the oath of office prescribed by the Constitution.

The Speaker presented to the House the following communication from the Secretary of State:

OFFICE OF SECRETARY OF STATE,
Jackson, Miss., 5th Jan., 1846.

SIR: Conformably with the requirements of the law, I herewith transmit to the House of Representatives, the sealed returns for the election of Governor, held in November, 1845, some of which, you will perceive, have been opened, because they were directed to this department, without any endorsement thereon, whereby their contents could be determined without breaking the seal.

In the absence of the sealed returns from Coahoma county, the following statement is annexed, taken from the general return of

the elections for that county, now on file in this office :

"For Governor—A. G. Brown received 174 votes.

" " Thomas " 161 "

Signed by the returning officer."

Respectfully, Sir, your obedient servant,

WM. HEMINGWAY.

To the Hon. the Speaker of the House of Representatives.

Mr. Bynum offered the following resolution, viz :

Resolved, That the Clerk cause to be printed, forthwith, one hundred copies of the rules of this House, for the use of its members; which,

On motion of Mr. Wade,

Was laid on the table,

On motion of Mr. Harris,

The message of the Senate was taken up, and the second resolution read; and,

On motion of Mr. Gilleland,

The blank was filled with No. 5.

The Speaker appointed the following gentlemen on said committee :

Messrs. McDonald, Harris, Spann, Hughes, and Bailey.

Mr. Connell moved that the first resolution be laid on the table.

Some discussion arising on said motion,

Mr. Cushman rose to a point of order, stating that a motion to lay on the table, was not debateable,

Whereupon the motion was withdrawn.

Mr. Totten moved to amend the resolution from the Senate by striking out "Public Printer."

Mr. Walker moved to amend the amendment, by striking out Librarian,

Which was lost.

The question was then taken on Mr. Totten's motion "to strike out Public Printer,"

Which was carried.

On motion of Mr. Totten,

The first resolution was concurred in as amended.

On motion of Mr. Cushman,

The third resolution of the Senate was concurred in.

On motion of Mr. Cushman,

Resolved, That the Door-keeper be requested to prepare seats within the bar of the House for such editors of newspapers as may desire to report the proceedings of the Legislature.

Mr. Totten offered the following resolution, viz:

Resolved by the House of Representatives, that the Auditor of Public Accounts, be instructed to lay before this House the amount of money paid on account of Public Printing, with the amount paid for each item thereof for the last four years.

Resolved, That the present Public Printers perform the Public Printing for this House at the rates established by the existing law, until otherwise directed.

Which were adopted.

Mr. Connell offered the following resolution, viz:

Resolved, That a Joint Select Committee be appointed, consisting of ——— on the part of the Senate, and five on the part of the House, to inquire into the expediency and propriety of reducing the price of Public Printing, and report by bill or otherwise, as soon as practicable.

On motion of Mr. Connell,

The rule requiring Joint Resolutions to lay one day on the table, was dispensed with, and the resolution was forthwith adopted, and Messrs. Connell, Totten, Smiley, McNabb and Emanuel, appointed on said Committee.

The following message was received from the Senate by Mr. Wilcox their Secretary, viz:

Mr. Speaker—The Senate have given leave to the introduction of Bills of the following titles, to-wit:

A Bill to be entitled An Act to amend the Revenue Laws of this State;

A Bill to be entitled An Act to prescribe the time of holding the Probate Court of Chickasaw county.

Mr. Bailey from the Joint Committee appointed to wait upon his Excellency the Governor, made the following report:

Mr. Speaker—The Committee appointed to wait upon the Governor, have discharged their duties, and informed him that the two Houses were ready to receive any communication which he wished to make. He informed us that he would make his communication immediately.

The following message was received from the Senate, by Mr. Wilcox their Secretary:

Mr. Speaker—The Senate have concurred in the amendment of the House to the resolution of the Senate, for the election of a Sergeant-at-arms, Librarian, and Public Printer.

The following message was received from his Excellency the Governor, by Col. G. D. Mitchell, his private Secretary:

Gentlemen of the Senate,
and House of Representatives:

The biennial meeting of the Legislature imposes on me the Constitutional duty of communicating to the representatives of the people the state of the country. The past two years has presented a period of very general prosperity. The health of the country has been good. Industry and economy, united with a sound currency, propitious seasons and a fruitful soil have rewarded the toils of the husbandman with a fair income. Blessed with tranquility at home and peace abroad, our country has gone forward towards the high destiny which awaits her. The people rejoicing that their destiny has been cast in a land of liberty—in a land where the written constitution and the laws throw the ægis of their protection alike over the humble and the exalted, have pursued their several vocations with profit to themselves and honor to their country. With the destruction of the causes which produced them, vice and immorality have measurably disappeared, and the christians heart is gladdened by the manifest improvement in religion and morality. These are matters which awaken feelings of gratitude to our divine master and call forth expressions of devoutest praise. Whilst we witness this general prosperity among the people, it is pleasing to know that the State has prospered also. She has recovered rapidly from her embarrassments, and, if not checked by unwise legislation, must very soon throw off her shackles entirely. Her financial affairs have greatly improved. The Auditor's report of January 1st., 1844, exhibited the indebtedness of the State on account of

Auditor's Warrants at - - - - -	$614,743 83½
There has been issued from January 1st., 1844, to January 1st, 1846, - - - - -	$436,508 41½
Making an aggregate of - - - - -	$1,051,252 25

There has been paid into the Treasury, on all ac-

counts, from January 1st., 1844, to January 1st., 1846, ... $779,711 58

Showing a balance outstanding on the first of January, 1846, of $271,707 07

The assessments of taxes for 1845, very little of which has yet been collected and paid into the Treasury, amounts to $413,772 98 to this the Auditor adds $20,000 on account of miscellaneous items, and subtracts $30,000 for assessing, collecting and insolvencies, leaving a balance of $403,772 98 which will be paid on account of taxes for 1845; so that by the close of the present fiscal year, should the tax collectors settle with the same promptness that characterised them in 1844, the State will have redeemed an amount equal to the warrants that are now outstanding, and leave a surplus if no others, were issued of $131,062 91. What amount shall be issued in the mean time depends mainly on the action of the Legislature. I have been congratuating myself that the sum would be unusually small. There are but few private demands against the Treasury, which will require appropriations, and I am not aware that the public interest will need any important outlay of money beyond the ordinary expenses of the government. The Legislature has doubtless imbibed the prevailing sentiment of the age, that economy is the greatest and best virtue with States, as well as with individuals—and it will therefore limit the appropriations to such objects as are indispensable.

Of the Auditor's Warrants outstanding on the 1st inst., $159,716 68 is in the form of funded scrip, not payable until after January 1st., 1847, and may therefore be placed in the account of the next year. Estimating the expenses of the Legislature at $60,000 and the State Government at $125,000. I set down the sum necessary to be provided for the present year, as follows:

Auditor's Warrants issued prior to January 1st., 1846, not funded, or funded and due in the year 1846, ...	$105,845 09
Expenses of the Legislature, ...	$ 60,000 00
State government for 1846, ...	$125,000 00
Total, ...	$290,845 09

It will be seen that these are items of indispensable necessity and must be provided for. They leave a surplus of $113,927 86

on the first of January, 1847. There has been paid into the Treasury, at various times, on account of the Seminary fund $79,548 76, which drawing by law an interest of 8 per cent. amounts now to $103,068 40 and there has been paid on account of the sinking fund $84,000. It is so palpably just that these items should be speedily adjusted with the public creditors, that I feel at full liberty to press them on your attention.

STATE SEMINARY.

The first payment should be made to the Seminary fund. This Institution has been located at Oxford, in Lafayette county, where a suitable cite has been procured for the buildings. The trustees held a meeting in July, 1845, and subsequently furnished me with printed copies of their proceedings, which I herewith transmit to the Legislature. An appropriation will be necessary to enable them to erect their buildings. Economy should be observed in their construction, convenience and durability being consulted rather than beauty and ornament. I recommend that the sum set apart for building be limited to fifty thousand dollars.

This fund was formerly collected through the agency of the Planters Bank, and by law it was invested in the stock of that Institution. It was a trust fund, so declared by the Act of Congress making the donation of lands, out of which it sprung. The State, as trustee, had no authority for investing it in the stock of any bank; she did so, however, and eighty-four thousand nine hundred dollars, with several years interest on that amount, has been lost. The State is, in my opinion, under the most solemn obligation to pay it back. It is an obligation, not to Congress, but to the children within her own borders, for whose especial education the fund was set apart. I am fully persuaded that Mississippi will never incur the reproach of withholding justice and the means of education from her own children; and therefore I submit the question to you without discussing the State's legal liability. The amount of this fund may be stated as follows:

Amount now in the Treasury of the State,	$103,068 40
Lost principal and interest in Planters Bank,	$110,000 00
To be collected—but in safe hands and secure,	$ 38,287 93
Total,	$251,356 33

What disposition should be made of this fund, I propose to speak in connection with another subject.

RAIL ROAD EAST.

Within a very few days after the adjournment of the Legislature in 1844, the Commissioners of the Jackson and Brandon Rail Road and Bridge Company, made an application to me for twenty-five thousand dollars of the two per cent. fund, loaned to that Company by an Act of the Legislature, Approved, February 26th, 1842. The period limited by law for the completion of the Road having expired, and the Road being still unfinished, I thought the franchises of the Company so far forfeited as not only to justify, but indeed to require me to withhold the money and await farther legislative action. In presenting this subject to the Legislature, it is proper for me to say, that the failure of the Company to complete the Road within the required time, was owing, in a great degree, to circumstances which they could not control: not the least among these was their disappointment in not receiving the benefits of this loan as early as 1843. It will be recollected that the Act of 1842 made the loan contingent upon the consent of Congress. Some time after the adjournment of the Legislature in that year, an agent of the Company repaired to Washington for the purpose of obtaining that consent, in which he succeeded. For reasons satisfactory to himself my predecessor withheld the money. When I came into office I thought the Company entitled to receive it, and should have directed its payment, but for the expiration of the charter. It seems not to have been the fault of the Company that they did not realize the benefits of the loan, and to that extent they are irresponsible for the non-completion of the Road. I recommend that the $25,000 and such other portion of the two per cent. fund, as is necessary for that purpose, be expended in completing the Rail Road from Jackson to Brandon, under the direction of Commissioners to be appointed for that purpose.

This Road forms a link in the great chain which is ultimately to connect the Mississippi river with the Atlantic, and in that view it swells into an importance far beyond any thing connected with the mere existence of a Road from Jackson to Brandon. At the time when Congress, at the earnest and repeated solicitations of this State, relinquished the two per cent. fund to a Rail Road from Brandon to the Alabama line, it was confidently expected that the link between Jackson and Brandon, then in a state of progress,

would be completed by other means. These expectations have been disappointed. They induced Congress, however, to mention Brandon, instead of Jackson, as the starting point of the Road. The consent of Congress has only been obtained to the application of the twenty-five thousand dollars to this intermediate link. Her consent should be asked to the use of so much of the two per cent. fund as is necessary to complete the Rail Road from Jackson to Brandon; or, in other words, the consent of Congress should be obtained for commencing the Road at Jackson, instead of Brandon. And in anticipation of this consent being had, the Legislature ought at once to make such provision as will ensure the most economical and speedy application of the money. I invite the special attention of the Legislature to the several memorials from this State, and the final action of Congress in relinquishing the two per cent. fund. It will be seen that the State asked, and Congress relinquished it to this particular Road.

The scheme of connecting the Atlantic with the Mississippi river by means of a Rail Road is one of vast magnitude and will doubtless engage the early attention of the Legislature.

Rejecting the idea that Congress may apply the National Treasure to improvements which are only local in their character, it is nevertheless true, that works which are essential to the "common defence" of the *confederated States* may, and ought to be constructed at the National expense. Viewing the contemplated Rail Road as a work of this character, I do not hesitate to advise the Legislature to make an earnest appeal to Congress to aid in its construction.

Should the South-Western States be invaded, the Road, as a means of speedy and safe transportation of troops and munitions of war, would be found of incalculable advantage to the Nation at large.

The delays and dangers incident to a voyage around the Floridas, on the one hand, and the perplexities of tedious marches over land on the other, would be avoided. Army supplies, instead of being sent down the river when the waters are low and the delays great, could be forwarded from the East, and by the same means the Eastern and Middle States could be supplied with safety and expedition from the South and West.

If this country is ever invaded by our ancient foe, it is scarcely

to be doubted that the Southern States will be selected as the theatre of his most active operations—how essential, therefore, that the means of throwing defence into the country, without danger and without delay, should be provided as speedily as possible.

Should the Legislature make an address to Congres on this subject, I respectfully suggest that, instead of asking a direct appropriation of money to this object from the Treasury of the Nation, they should solicit a donation of one-half of all the vacant lands in all the land districts through which the Road is to pass to be taken by alternate, quarter, half and whole sections. The magnitude of the work will justify the Legislature in making the request, and its National consequence will, in my opinion, fully authorize Congress in granting it. A donation thus liberal will ensure the success of the enterprise, and give us the means of speedily concentrating all our defences, which will, of itself, be more terrible to an enemy than millions of soldiery scattered over the broad extent of our country. I pass over the incidental advantages which it would give to commerce, and the facilities it would afford in the transportation of the mail, and the strength which it would give to our band of union, by bringing the remote parts of the country closer together, and intermingling, as it were, the citizens of Texas with those of New England. Apart from these considerations, Congress should make the grant on other grounds. If the Road is completed the remaining lands must be greatly appreciated in value; and it appears to me that if Congress, by applying our moiety of the public domain to an object of great National importance, can increase the value of the remaining half five fold, or even two fold, it is not only competent for her to do so, but that she is called upon by the highest considerations of public policy and public justice to make the grant.

At what point the rail road approaching from the Atlantic, should strike the Mississippi river, must be left of course, to the decision of those who furnish the means for its construction. It may not be amiss, however, for us to suggest the reasons why Vicksburg should be selected as the most proper point. In the first place, the road from Vicksburg to Jackson is completed; it is, to be sure, in the hands of a private company, but the construction of the road is the question of primary importance, to whom it shall belong is only secondary. In the second place, the grading on the line from Jackson to Brandon is completed. In the third place,

a survey of the route from Brandon to the Alabama line has been made, and the cost of constructing this part of the work estimated at only $1,083,428; and fourthly, the two per cent. fund amounting to within a fraction of three hundred thousand dollars, has been appropriated to this road. Is it assuming too much, to say that Mississippi in asking the relinquishment of this fund to this particular object, and Congress in granting it, decided that Vicksburg should be the point where the road is to intersect the river. The two per cent. fund, in the State of Alabama, amounts to $232,000, and one half of it has been relinquished to the construction of the road through that State.

FIVE HUNDRED THOUSAND ACRES OF LAND.

The five hundred thousand acres of land given to this State for works of internal improvement by the general government, has been located by commissioners appointed for that purpose, as has also the Chickasaw school lands, amounting to 174 thousand acres. I have procured a map of these lands to be made at the office of the U. S. surveyor general. For special reasons I have not deemed it prudent to have all the lands registered, though they have all been located. There are about thirty thousand of the five hundred thousand acres not yet registered, and therefore not exhibited on this map.

The present is not, in my judgment, a propitious season for bringing these lands into market. So far as relates to the school lands, I doubt if good policy does not forbid the State's parting with the free-hold at any time. The lands should be leased for short terms, not exceeding fifteen years; and the rents and profits paid into the Treasury of the State, to the separate account of the school land in the chickasaw counties, and be used for that purpose and no other.

Whether the State should grant pre-emptions to settlers on the five hundred thousand acres of her lands, is a question on which I defer to the superior judgment of the Legislature; and whilst I do not recommend it, I shall not feel at all at liberty to withhold my assent, if the Legislature, on mature consideration, deem it right, especially if a proper estimate is placed on the value of the land, and care is taken to exact prompt and rigid payments from pre-emptors. The State should adhere as closely as possible to

the cash system. My experience has been that the less she deals with the citizens on a credit, the better for both parties.

The acquisition of Texas, and the tide of emigration to that country, together with a prevailing mania among planters to embark in the production of sugar, must of necessity, depress the value of cotton lands in this State for some years to come. Should the Legislature contrary to what I think is the policy of the State determine to hurry those lands into Market, I recommend, that they be classed, into first, second, third and fourth classes, and offered at public sale on due notice, at a minimum of two, four, six and eight dollars per acre, for cash; or else that the whole be offered at a minimum of eight dollars the acre, and the price graduated to seven dollars the first year thereafter, to six the second, and so on, down to one dollar and twenty-five cents per acre.

When it is recollected that these lands have been selected in small bodies and with great care, and that they are now the best uncultivated cotton lands east of the Mississippi river, it will appear, I think, that these prices are not too high. It is certain they will command such prices after a few years. The sales being over, an office should be opened, and the lands not disposed of at the general bidding should be offered at private entry, and at the prices just stated. At whatever time and at whatever price the lands are sold, I strenuously urge upon the Legislature to order them sold for cash only; and that the first proceeds be used in reimbursing to the Treasury the amount of money expended in locating them.

Selling on a credit will encourage combinations to buy on speculation, and if the speculations fail as they most likely will, the State will find herself harrassed with multitudes of perplexing law suits, in most of which, she will be unsuccessful; and in the end the good debts will be sunk in fruitless efforts to collect those which are bad. As familiar examples I may cite the sinking fund, the seminary fund, and the Jackson town lot fund.

LEVEE ON MISSISSIPPI RIVER.

The projected levee on the east bank of the Mississippi river commencing at the Tennessee line and terminating at the mouth of the Yazoo, is a work to which I invite your attention. The question of its practicability is placed beyond question by the report of the Topographical Engineer, submitted to the Legislature

in 1844. He estimated the cost at $88,883 47. This will be found, I apprehend, too small a sum; but if the cost should be twice or even thrice that amount, the sum would then, not be commensurate with the value and importance of the improvement.—When two or more parties are jointly interested in the completion of a work, it should be constructed by their joint efforts. The State of Mississippi has five hundred thousand acres of land, a small portion of which is now subject to overflow, and would be protected by the levee. She has a much larger quantity which would be appreciated in value by its construction, because it would render access to the Mississippi river easy, safe and expeditious.

The United States has about one million of acres in like condition, except that a much larger proportion is subject to inundation; much of it to a great depth, and always at that season of the year which to the planter, is indispensable. The lands are therefore, without value. It is scarcely to be doubted, if Congress was accurately informed as to the present condition of these lands, and what would be their worth, if rescued from overflow, a liberal and enlightened policy would be pursued. It is therefore advisable to lay the facts in an authentic form before Congress and ask her to relinquish for that *special object* alternate sections of all unsold lands on the east side of the Mississippi river, as far back as the hills, and between the Chickasaw line and the mouth of the Yazoo river. This may occasion some delay in commencing the work, but it is vastly more important that works like this should be properly done, and by the proper parties, than that they should be done expeditiously. The benefits which individuals owning lands on the margin of the river will derive from the completion of the work, will justify the State in calling on them to make contribution.

I do not feel impelled by any present pressing necessity, to urge you to commence this levee immediately, and especially if it is to be done at any great sacrifice; but it should be a leading and paramount object with the State, to have it completed at no distant day, and the legislation of the country in regard to its public lands should be shaped towards that end. Should the Legislature deem it advisable to commence this and other works of improvement within any short time, I advise the purchase of slaves for that purpose. I am satisfied if planters can cultivate their lands to greater profit with slave, than with free labor, the State can, with equal ad-

vantage prosecute her improvements with the same class of labor. She must, however, to do this, employ overseers who are accustomed to manage slaves, and introduce the same economy which prevails on well regulated plantations.

These suggestions may be considered as applying to the works to be done in grading and getting timber for the eastern rail road, and such other works as are commenced by the State. On this subject I have the honor to transmit a letter from the Hon. John P. King, President of the Georgia rail road, which will tend, I think, to sustain the view that I have taken.

Before any contracts are made, or the work commenced, either on the levee, the road or elsewhere, the State should acquire the right of way through the whole route; otherwise she will be imposed upon by the avaricious and selfish through whose possessions the works are to pass.

If these views meet the legislative sanction, I further recommend that proposals be issued to hire laborers who shall be paid wages to be specified by law, in lands at a fixed valuation. I have thought it reasonable to suppose, that planters and others owning lands on the margin or near the Mississippi river, seeing that the State had the means, and was prosecuting the work with a determined spirit, would gladly aid in its speedy completion, when thereby the lands which they now own, are made more valuable, and those which they take in payment for their work are increased in worth by the labor they expend in buying them.

EDUCATION.

The interesting subject of education has engrossed a large interest in the public mind for some years past. It must be gratifying to the patriot and philanthropist to witness the unanimity with which it has been espoused; and if the Legislature responds, as it doubtless will, to the prevailing public sentiment, the imperative command of the constitution, that "schools and the means of education shall forever be encouraged in this State," will no longer go unheeded. "Knowledge," in the language of the constitution, "being necessary to good government, the preservation of liberty and the happiness of mankind," no arguments need be resorted to, to convince the representatives of a free people, that it is their duty to encourage its general diffusion.

Let it be borne in mind that the boys who are now growing up

too many of them in ignorance and vice, must in a very few years take our places, and become controlers of our country's destiny; and let us not disguise from ourselves the stuborn fact that the ignorant and vicious of these under our forms of government, must be as potential at the ballot box, for good or for evil; as the most learned and virtuous; and I am fully persuaded, we will employ all the means in our power, to educate them—to direct them in the ways of "religion, morality and knowledge," and thus quicken their devotion to their country.

Benefits are not priceless. If we expect to enjoy the blessings of education, or to transmit its fruits to our posterity, we must expect to pay for them. To the great mass of the people, this declaration will neither be surprising or unacceptable. They do not expect knowledge and a familiarity with the intricacies of government to spring up spontaneously in the minds of their children—good fruit does not grow upon uncultivated grounds, but as thistles and other noxious weeds take possession of an unploughed field, so do vice and wickedness spring up in the mind which is not trained to God and the country. Government gives protection to our lives, our liberty, and our property, but who shall give protection to government if we neglect it? If it be true, that "the blessings of government, like the dews of Heaven, descend alike on the rich and the poor," it must be true, that the rich and poor are alike bound to contribute to its support.

We contribute annually to the support of all the various departments of government, to the legislative, the judiciary and the executive; we contribute to the erection of prison houses and temples of justice, we contribute to the sacred altar and its divine ministrations, but to that which lies at the bottom of them all, and without which, the whole must become "as a sounding brass and tinkling symbol," we contribute nothing.

Education has many votaries but few contributors. What should we think of a man who had built a ship and sent her upon a distant and perilous sea, laden with rich and costly goods without insurance? Yet, have we erected a government, ladened it with priceless jewels of liberty, and cast it upon the uncertain element of popular will, untempered, as yet, by the hallowing influence of education; and shall we still refuse to insure the safety of that government, by refusing to contribute to the only means that can give

its safety—the education of its people? The rich may say, we have no interest in the education of the poor! There could be no greater or more fatal error. Pride, the love of our offspring, the ephemeral pleasure of witnessing the bud of youth nurtured by our care, as it expands, and grows, and ripens into manhood, these teach the rich to educate their own children, but the higher considerations of patriotism—the holier cause of religion and morality—the pure and unstained love of human happiness teach them to educate the poor.

Having had my attention drawn to this subject, I opened a correspondence with gentlemen in different parts of the country, with a view to elicit information. Their replies, together with such statistics and other documentary evidence as I have been enabled to collect, are at the service of the Legislature.

Difficulties beset us, I know, but they are difficulties which a prudent and discreet management of our affairs will overcome.—The sparceness of population in many places, has been interposed as a serious objection in the way of any general system of schools. Perhaps it is so. If we cannot, on this account, employ teachers for a year, we could perhaps employ them for a half or quarter of a year. If we cannot do every thing, surely it is not a valid reason why we should do nothing.

Among other matters connected with this subject, I invite the special attention of the Legislature to the reports of the Presidents of the boards of police in the several counties, on the subject of the school lands. These reports were elicited by a circular which I addressed them, and which is herewith transmitted. It will be seen that all have not responded, but enough has been collected to show the manner in which the school lands have been treated, and to make it apparent that a radical change is demanded.

After devoting as much time as I could spare to the subject of schools, consistent with other official duties, I feel prepared in a spirit of the utmost confidence as to its success, to make the following recommendation. The State ought to assume the $110,000 00 lost in the Planters bank and place it at once on the same footing with the $103,287 00 now in the Treasury. The fund would then amount in round numbers to two hundred and fifty thousand dollars. Two hundred thousand dollars of this should be retained as a permanent fund, and the residue appropriated to the erection of college buildings at Oxford, as heretofore suggested.

This permanent fund should be kept in the Treasury, and an annual interest of eight per cent. paid on it. This interest (16,000 dollars) should be set apart in the Treasury at the beginning of every year and kept sacred and inviolable for the purposes hereafter to be named; and here let me remark that the vexation and expense which has attended a first collection of this fund, and the heavy and ruinous losses which it has sustained in the hands from which it has been slowly wrung, should admonish the Legislature to take charge of it and keep it secure in future. Of the sixteen thousand dollars interest, I recommend that eight thousand dollars be appropriated to the annual purposes of the College. There should be then established ten academies or high schools at as many different points in the State, to be designated by the Legislature, having reference to geographical divisions. To each of these there should be an annual payment of eight hundred dollars out of the remaining eight thousand. Nothing is clearer to my mind than that the College will not succeed, without the aid of auxiliary schools. These schools need not, and indeed should not, be in the immediate vicinity of the College, but at such points as to give it the most efficient aid, and at the same time to diffuse the greatest amount of intelligence among the people. The language of the Act of Congress in making the grant of land from which we derive this fund is that "it shall be vested in the Legislature of the State in trust for the support of a Seminary of learning." This language, "a Seminary of learning," has been thought to limit the Legislature to the establishment of one school, and to negative the idea that that school could have auxiliary departments. It has seemed to me so palpable that the Trustees could so act as to carry out the great object of the trust which was the diffusion of knowledge, that I have not fallen into what is to my mind a constrained idea of the law of Congress. It does not necessarily follow, that because the Act of Congress said "a Seminary," that it meant there should be one school under one roof, or that the "Seminary" and all its auxiliary departments should be in the same enclosure, or even in the same city or town. The spirit of the Act of Congress is carried out by the establishment of one Seminary, University or College with such auxiliary departments as are necessary to its success. These should be UNDER THE SAME GENERAL SUPERVISION AND CONTROL and be located at such points as to be of the

greatest advantage to the main College, and to the cause of education.

There must yet be another and a still more useful class of schools—I mean the common or free school. The 16th section of land in each township, set apart by a wise enactment of Congress for this purpose, have been most shamefully neglected. The inattention with which these lands have, in many instances been treated, makes it very apparent, to my mind, that whatever system of schools we adopt, must be taken under the supervisory control of officers who shall be responsible to the State. There must be some general head, and there must be an immediate responsibility of that head to the State laws. The people in mass will never require responsibility, and they will never act unitedly and constantly as one man for the common good; each one will content himself with acting for himself, and the general good will go unattended to. Of the ten or twelve hundred sections of school lands heretofore, and now under the control of the citizens of the township, I have not been enabled to ascertain that one hundred have been well managed. Some of them have been trespassed on and denuded of their valuable timber; in other instances they have been leased, and the money has not been collected: in many instances it has been collected and squandered: in the fewest number of cases has there been free schools kept by the proceeds.

I recommend the passage of a law for the election of School Commissioners in each county, one by the qualified electors of each police district, and that it be made the duty of this "board of school commissioners" to enquire into and ascertain the exact condition of each sixteenth section in their respective counties. I recommend the appointment of a general School Commissioner to reside at the seat of government, who shall receive his appointment from the Governor and Senate, whose duty it shall be to require of and receive from the School Commissioners in the several counties semi-annual reports of their proceedings in regard to the sixthenth sections and other matters entrusted to their charge.

It should be made the duty of the County Commissioners to hold meetings quarter yearly, at the county site, and whenever the interest arising from the proceeds of a school section is sufficient to pay a teacher, it should be their duty to employ a competent man and establish him in a school. Wherever there is a surplus, the consent of Congress should be obtained to its transfer and use in

the next adjoining township in which there is a deficiency. They should, without delay, lease all the sixteenth sections, now undisposed of and report to the general commissioner the amount for which each one was leased.

I farther recommend that all the fines and forfeitures, billiard, retail, and other licences, and all other funds that now go into the Treasury other than the legitimate taxes on property be relinquished to a fund to be established and called the "school fund." That the literary fund be collected from the several counties, and placed in the "school fund;" and I further recommend that a tax of five per cent. on the amount of the State and county taxes be assessed and collected annually for the benefit of the school fund. I estimate that from these sources, (not including the literary fund now on hand) we will derive 75,000 dollars annually. This fund should be placed under the control of the general commissioner, to be used in *aiding* the establishment of free schools. The fund to be apportioned among the counties, each according to its white population, taking the census of 1845 as the present basis of apportionment. It should be the duty of the School Commissioners to establish schools. And whenever the funds of the township was insufficient to employ a teacher, a portion of his wages should be paid out of the general fund; and the whole should be so divided that there should be a free school in every inhabited township, at least a part of the year. If the fund would employ a teacher but for three months, let the school be taught for that length of time.

Such is the plan which I have devised. If it does not meet the legislative sanction, my hearty co-operation is tendered in any other scheme which gives reasonable promise of success. In the final arrangement of any plan much must be included by way of detail which it would be inconvenient to embrace in a general recommendation; and I hope it may not be considered as stepping beyond the limits of propriety to say it will give me pleasure to aid in the arrangement of these details, should the plan which I have recommended be sanctioned by the Legislature.

PLANTERS BANK BONDS.

The financial condition of the State is such that I entertain a lively hope, that the day is not distant when we shall pay an instalment on the bonds issued on account of the Planters Bank, and thereafter meet them regularly and promptly as they fall due. I

will not deceive you or our common constituents with the delusive hope that any considerable amount will ever be realized from State stock in the Planters Bank and the Mississippi Rail Road Company. Something may be obtained, and most certainly every legal and proper means should be resorted to to secure as much as possible; and the Legislature ought especially to abstain from any act which could by the remotest possibility endanger the State's interest in either of these institutions. It is idle, however, to rely on the assets of these corporations to meet the bonds. It is unjust to require holders of these bonds to await the final settlement of the bank's affairs for their proper dues.

I have not permitted myself to doubt that the State would at the earliest period, consistent with her engagements to other creditors commence the payment of these bonds. They have been thrown upon us unexpectedly, and hence we have not been prepared to meet them. The large dividends declared by the Planter's Bank for many years and the supposed solvency of the Rail Road Company, during its brief but unfortunate career, lulled the public mind into security. The sudden explosion of both these institutions startled the people with the unlooked for intelligence, that a fund of two millions of dollars had, in a great measure, been lost, and that a heavy debt had, in consequence, been thrown on the Treasury for payment. They have not shrunk from their legitimate responsibility, *and they never will.* I speak confidently, because in 1843 I maintained the State's liability to pay this debt, and the people sustained me. In my inaugural speech, I reiterated my opinions, and they have ever since been undisguisedly proclaimed, and the people have again elected me by a greatly increased majority.

The first provision made by the Legislature for the issuance of these bonds was in 1830. By the 1st and 7th section of an Act chartering the Planters Bank, approved, February 10, 1830: and by the 4th and 5th sections of an Act, supplemental thereto, approved, December 16, 1830; the faith of the State was pledged, and provision made for issuing two millions of dollars in State bonds.

In pursuance of these sections the first 500,000 dollars of six per cent. bonds were issued and sold in 1831. (See Doc. herewith transmitted.) It has been intimated that these bonds were unconstitutional, and the reason assigned, is that the 16th section of the Act of 1818, which was supplemental to that of 1804,

chartering the "Bank of Mississippi," pledged the faith of the State, that "no other bank" should be established in this State during the continuance of the aforesaid corporation, "and that in derogation of this pledge, the Planters Bank was established; and that by the 1st and 7th sections of the charter, and 4th and 5th sections of the supplement, these bonds were issued. I think it may be well questioned whether the Legislature of 1818 did not transcend its powers in undertaking to guarantee the exclusive right of banking in the State to a single corporation, for a series of years. There was nothing in the constitution of 1817 expressly giving this right, and the Legislature of 1818 was assuming too much perhaps, when it undertook to forestal the action of each subsequent Legislature to the year 1834, when the charter of the old bank was to expire.

On the mind of those who believe the Legislature has the power to repeal bank charters, the argument that the "Planters Bank" conflicted with the rights "of the Mississippi Bank" will fall "as seed sown on stony ground." And to those who believe with me, that the powers of one Legislature are commensurate with those of another, where no exclusive constitutional rights are given to one over another, it will seem almost conclusive that the Legislature of 1818 had no right to assume the exclusive and entire control over the subject of banking, as they did for a period of 16 years.

True, the opinions of gentlemen distinguished for their legal ability, have been invoked, and are said to sustain this position. These gentlemen may have been wrong. If they meant to say that the issuance of the bonds was unconstitutional, it is, to my mind, most palpable that they were so.

There was nothing in the constitution of 1817 which forbid the Legislature to pledge the public faith for a loan of money. They did pledge it, and on that faith they borrowed 500,000 dollars, which was invested in Planters Bank stock, on which the State, for many years, received the dividends; and would doubtless have continued to receive them if the bank had continued to declare them. I do not now undertake to controvert the unconstitutionality of the bank charter; that is not material to my purpose. The State received the money, and she had a constitutional right to receive it in the way she did; if she invested it in the stock of an unconstitutional bank, of her own creation, such investment does

not, in my judgment, weaken the obligation which she is under to pay it back. But the argument of its unconstitutionality, if solid, only applies to the first 500,000 dollars. The people of the State assembled in convention in 1832 to revise and amend their constitution. By the 9th section of the 7th article of the constitution which they then made, they imposed limitations and restrictions on the power of the Legislature to pledge the public faith for loans of money. And now, as evidence that they were satisfied with the disposition which had been made of the 500,000 dollars, they expressly provided "*that nothing in this (9th sec. 7th act,) shall be so construed as to prevent the Legislature from negotiating a further loan of one million and a half dollars and vesting the same in stock reserved to the State by the charter of the Planters Bank of the State of Mississippi.*"

It is now suggested that the convention did not mean to weaken or to give additional force to the pre-existing obligation incurred by the Act of 1830. That they did not intend to incur an obligation even to pay back the "one million five hundred thousand dollars" which they were thus particular in reserving to the Legislature the power to borrow. In short, that they meant to leave the whole matter where they found it. Such a suggestion does but little credit to the wisdom or integrity of the men who framed our constitution. They represented the sovereign power of the State. They stood above the law and above all contracts, and especially were they above laws and contracts which were unconstitutional. And if the Legislature of 1830, in its zeal to obtain money, had been hurried over the ramparts of the constitution, it was the duty of this convention, not to leave the matter where they found it; not to say go on and obtain more money by the same unconstitutional means; not to say you shall have power "to negotiate a further loan," but you shall have no power to pay back what you borrow —but it was the duty of the convention, by every sentiment of national faith, by the loftiest principles of honesty and fair dealing to have abrogated the law, and to have forbidden the issuance of any more bonds. Failing to do this, and absolutely authorising their issuance, the convention impliedly legalized all that had been done, and rendered the State firmly and fixedly liable for the one million five hundred thousand dollars, which it authorised to be issued. Let us deal honestly with ourselves, and we shall do no injury to others. Our unbiased judgments tell us that the framers

of our constitution believed that the first 500,000 dollars had been well disposed of, and they intended to obtain and invest one million five hundred thousand dollars in the same way.

But it is asserted that one generation cannot bind another to pay a public debt. The argument, *if plausible*, is not applicable to our condition. We are not the posterity of the men who lived thirteen years ago, but if we were, I should maintain, that if we transmit to those who come after us, our lands and the fullness thereof, it will be no grievous hardship, if we transmit with them such debts as we cannot, without serious privation to ourselves and our families, pay off and discharge. The fairest way, however, to answer the argument that posterity is not bound to pay our debts, is to pay them ourselves, and that is just what I recommend.

The first series six per cent. bonds (500,000 dollars) were issued in 1831, payable in four instalments of 125,000 dollars each. The first was due July 1st., 1841; the second will be due the first of July of the present year; the third July 1st., 1851, and the fourth July 1st., 1856. The second series five per cent. bonds (1,5000,000 dollars) were issued in 1833, and are payable in three instalments of 500,000 dollars each, the first on the first day of March, 1861; the second March 1st., 1866, and the third March 1st., 1871. The interest on the first series was paid to July 1839, and on the second to March 1st., 1839, since which time nothing has been paid. It will be observed that an instalment of 125,000 dollars has been due since July 1st., 1841; and it will be found on calculation, that there is interest due on the six per cent. to the first day of the present month 195,000 dollars, and on the five's 512,500 dollars, which two items being added to the 125,000 dollars principal makes an aggregate of 832,500 dollars principal and interest, due on the first day of this month, (January, 1846.)

It will be seen that the bonds draw an aggregate interest of 105,000 dollars annually, which is payable semi-annually on the first series in July and January, and on the second in March and September, and that the principal falls due at periods of five years from one instalment to another. If the sum now due was paid, it would require only 130,000 dollars annually, up to July 1st., 1856; to meet both principal and interest as it falls due in future, and after that time, 175,000 dollars annually to March 1st., 1871.

It has already been seen that there has been paid into the Treasury in Auditor's warrants, on account of the sinking fund, 84,000 dollars: this sum, it is confidently expected, will be increased to 125,000 dollars by the first day of July, 1846.

The Legislature need not be reminded that this fund stands pledged for the payment of these bonds. Nor do I deem it necessary to admonish you that no further delay should occur in its payment to the bond-holders, than is absolutely required by the embarrassments of the Treasury. I hope indeed, it may be found expedient to make an appropriation at this session, payable in July next, of a sum sufficient to cover the amount of the sinking fund in the Treasury at that date. If this cannot be done, there certainly can be no reason why it should not be paid in July, 1847, as by that time the Treasury will have realized the revenues for the fiscal year 1846. The State has upwards of 22,000 acres of land belonging to the sinking fund: it would be well for the Legislature to make suitable arrangements for selling these lands; and I recommend that the State Commissioner be authorized to sell them for Planters Bank bonds and cupons *that are now due* or for Auditors' warrants. If properly managed they will go far towards liquidating so much of the debt as is now due and unpaid. If the Legislature would authorise the Commissioner to receive bonds and cupons due prior to January 1st., 1846, in payment of any debt due the sinking fund, I am persuaded it would facilitate collections and be of great advantage to the fund and to the State.

In view of the present condition of the State, I advise the policy of paying the principal and interest of her bonds as they fall due in future; and that she apply only the means which I have suggested and such surplus funds as she may have from time to time, to the payment of that portion of the debt which is now due and unpaid.

Being in arrears, it will require an effort superior to the means of the State, to bring up the entire account at once; but if she sets out with a fixed purpose of meeting the debt hereafter as it falls due, it can and will be done. It has been shown that the revenue for the present year, will approximate four hundred thousand dollars. The expenses of the State Government will not exceed 175 thousand dollars per annum in future, including the interest on the school fund, admitting that my suggestions on that subject are adopted. After paying for the erection of the college buildings at Oxford,

say fifty thousand dollars, and taking up the outstanding Auditor's warrants, and meeting the economical expenses of the government, there will be a surplus this year; and next year, without an alteration in the laws, which shall produce a reduction in the revenue, there will be a surplus of at least one hundred and seventy-five thousand dollars, and thereafter that amount annually, deducting fines, forfeitures, licences and, such other items as I have already recommended, should be given to the school fund.

It will be seen that with these means, we can pay the bonds as they fall due, and have something left to pay on the account now due. If, in the end, we receive any considerable amount from the banks, it will come in time to pay a portion of the bonds which fall due some years hence.

The reduction made in the expenditures of the State Government, by the act of the last Legislature regulating salaries, &c., will greatly assist us in our effort to meet the public debt. It was a wise law and admirably adapted to the embarrassed condition of our finances. The general anxiety among men of acknowledged talents, to accept office, is, perhaps, the best evidence that the salaries are high enough.

There may be a still farther reduction of our expenses by a proper regulation of the Circuit court practice in criminal business.—One of the heaviest charges on the Treasury, is the payment of costs where the State fails in the prosecution. If District Attorneys were required, under proper penalties, to be constant in their attendance on grand juries, and clerks and sheriffs appropriately punished for neglect of duty, in failing to issue or to serve process, it would go far to remedy the evil.

There should be a day set apart by law for taking up the criminal docket, and when taken up, it should be disposed of without intermission or delay. In this way, multitudes of witnesses now detained at court from day to day, and finally discharged at the costs of the State, might be let off in half the time, and the business of the State be better, because more promptly attended to.

The census taken in 1845, a return of which is herewith transmitted, exhibits the aggregate white population of the State at 241,688. In apportioning the representation among the several counties, I respectfully suggest that the public interest may be promoted by reducing the whole number of representatives consider-

ably below what it now is. Such reduction will lessen the expenses of the legislative department, and expedite the transaction of business, whilst it will not, I am persuaded, detract from the wisdom of legislation, or impair, in the least degree, its adaptation to the wants of the people. The Senate, though a smaller body than the House of Representatives, has always originated one half, at least, of the important busines. Its deliberations have been marked with as much wisdom and courtesy as those of the House, and its business despatched in less time.

I estimate that the session may be shortened by the proposed reduction one fourth, which in a session of ordinary length, will be fifteen days. The Legislature, with its present number of members, sets at a cost of about six hundred dollars per day, or nine thousand dollars in fifteen days, excluding appropriations and printing. The pay of members alone, is five hundred and forty dollars a day. If the number of members were reduced one-forth, there would be a saving in this item alone, of one hundred and thirty dollars per day, which, in a session of forty-five days, approximates six thousand dollars. If the Legislature thinks with me, that reducing the number of representatives will not impair the wisdom or utility of legislation, I am sure they will take pleasure in adopting my suggestions *as a measure of economy.*

When the people are heavily taxed, they have a right to expect a proper and economical use of the money; you will always be ready, I am sure, to devise means of your own, or to carry out the suggestions of others in the fulfillment of these expectations.

Complaints have been made that the taxes are too high. Coming, as you do, directly from the people, you are presumed to know more of their opinions on this subject than I do. Their will must be obeyed. The people cannot be taxed against their consent.—I hope they will not lighten their burdens at the expense of the public credit. On this point I defer to their representatives, but I should ill discharge my duty to them, if I did not say that the public credit is not in a condition to be sustained under any sensible reduction in the aggregate amount of the revenue. If the taxes are equalized in a greater degree, so as to distribute more justly the burthens of taxation, and yet not reduce the gross receipts into the Treasury, I will be greatly pleased; but I should be sorry to witness any legislation calculated to relapse the credit of the State into

that long and painful disorder from which it is but just now recovering.

QUO WARRANTO.

The "quo warranto" act of 1843, has been a fruitful theme of controversy for some time past. Whatever may be said of that act, and the objects which it was intended to effect, it is undeniably true, that the Legislature is under the strongest possible obligation to the banks and their debtors to pass such laws as will secure them "right and justice," without "denial or delay." If it is asserted that a banking corporation has forfeited its franchises, the question of forfeiture should be judiciously inquired into; and it is the duty of the Legislature so to legislate, that the enquiry may be had without delay, and without perplexities or expense to either party, other than such as may be necessary for the full and fair administration of justice. What is to be the effect of a forfeiture judicially ascertained, as to the property of the corporation, or as to debts due to or from it, is a question properly referable to the judiciary, and with which the Legislature and Executive have no concern.

BANKS.

Unfortunately for the stability of our institutions and the safety of society, political communities seldom profit by the experience of the past. The lessons which were taught us during the banking mania in this State—the deep and vital wounds which were inflicted on the morals and good order of society, will be entirely forgotten in the lapse of a few years. Whilst the recollection of these events are fresh in our minds it will be well if we make an enduring record of the hostility they have engendered to banks and banking; and to this end I advise an amendment of the constitution, forever prohibiting the establishment of banks in this State.

STATE ARMS—MILITIA.

A letter from the United States Ordnance department is herewith transmitted. It shows that from our territorial organization to 1843, there has been sent to Mississippi arms and accoutrements to the value of sixty-four thousand dollars. The report of the Quarter Master General will exhibit the present condition of these arms. The State is now in the annual receipt of four hundred and forty muskets, which, valued as they are by the United States, at thirteen dollars each, are worth five thousand seven hundred and twenty dollars. The number will increase with our increasing popula-

tion. It will be seen that almost all the arms heretofore sent to the State have been wasted. The prime cause of this has been, that the State has never provided a place for their safe keeping.

I recommend the erection of a public armory in this city, in which all arms and accouterments, not in actual use, shall be kept. The greater portion of the work may be done by the penitentiary convicts, so that the actual outlay of money need not be great.—This being done, there should be appointed a quarter master and an assistant, to superintend the armory and take care of the public stores. All volunteer companies now having, or hereafter receiving arms from the State, ought to renew their bonds every year, and give such additional security as the Quarter-master may require.

I believe the public interest requires and the public voice demands a change in the militia system. The trainings under the present law are attended with a loss of time and annoyance to the people, greatly exceeding any real benefit which they derive. It is a very great mistake that militia musters prepare the people for actual service, or train them to a soldier-like use of arms. They go to muster for the most part, to amuse and be amused, regarding the whole affair as an expensive farce; they perform their parts for the fun, and not the profits of the play, and are always glad when it is over.

There are now in this State about forty-five thousand persons subject to militia duty. If they are required by law to drill only four days in each year, there would be lost in time 180,000 days. Time, to a man of enterprise, is money. Suppose each day to be worth fifty cents, and there is an aggregate loss of ninety thousand dollars. The law, such as it is, I have endeavored to see enforced; I regret to say with ill success. The people are opposed to it, and many of them can neither be persuaded or coerced into obedience to it. Some obey and some do not. This engenders a spirit of jealousy, as to the injustice and unequal operations of the law. The disobedience of some encourages disobedience in others, and a disregard of law in one respect begets a disregard of it in another. Under such circumstances it becomes a question for your serious deliberation, whether you will not abandon the present, and adopt some new system.

Looking to the possible disturbance of the country, by invasion

or internal commotion, the present law ought not perhaps to be repealed. It might be suspended in its operations and put in force on any sudden emergency, by an executive proclamation. The active military force should consist of one volunteer company in each regiment, which contains five hundred or more efficient men. These companies should be required to train at least one day in every month; and for this service, the members should be exempted from road and jury duty.

The public arms should be distributed to them from the State Armory by the Quarter-master General, who should also be a competent drill master; and it should be made his duty, to visit each company once in every year, under the direction of the Governor, and drill two entire days. For this purpose, the Quarter-master should receive a competent salary; and his assistant, whose duty it should be to superintend the business of the Armory, in the necessary absence of the Quarter-master, should have a fair compensation also. It will be seen on examination, that the money drawn from the Treasury under this system, will be less, by some hundreds of dollars, than under the system which now exists.

The companies should contain sixty-four members each, eight to be taken from each Captain's beat in the regiment, and in case more than eight should offer, let it be determined by lot who should serve. Vacancies should be filled by election; and if at any time a company was found to have neglected its duties grossly, either in not drilling or not taking care of its arms, or in failing to enfore the discipline of the corps, such companies should on the certificate of the drill master to that effect be disbanded by the Governor.

PENITENTIARY.

The employment of the penitentiary convicts in the mechanic pursuits, continues to be a cause of complaint. These complaints are well founded in some respects, and demand, as they will doubtlets receive, your respectful consideration. I have collected sundry reports and other papers on this subject, which I have the honor herewith to transmit to the Legislature. I invite special attention to the letters from the Ohio and Louisiana Superintendents of State prisons. It seems evident in a country like ours, which consumes so large a quantity of woollen and coarse cotton goods, that they may be manufactured to advantage; and I do not therefore hesitate to advise the Legislature to embark a portion of the labor of the prison in the fabrication of these articles, with a view to its ultimate

conversion into a manufacturing establishment, should the experiment succeed. If the State purchases slaves to carry on her public improvements, provision should be made by law for having them clothed from the penitentiary.

The report of the Inspectors and officers of the Penitentiary, for the year 1844, exhibits the net profits of the institution at $1337, and the report for 1845, shows the net profits for that year, to have been $5110 02. Both reports are herewith sent to the Legislature.

LUNATIC ASYLUM.

We have never provided an assylum for lunatics, nor a refuge for the insane, in this State. The best feelings of humanity require that this omission should be supplied. I recommend that suitable buildings be erected, and such other means adopted as are best suited to the condition of this unfortunate class. The buildings need not be costly, nor the arrangements for the maintainance of the lunatics very extensive for some years to come; both, however, should be equal to the present wants of the country.

AMENDMENT CONSTITUTION AND MISCELLANEOUS.

The Legislature at its last session, proposed two amendments to the constitution: the first was in regard to slaves, and the second was a proposition in substance, to divide our judicial from our political elections. The required notice was given through the public gazettes in both cases, by the Secretary of State. The first of these amendments in regard to the slaves, has received the required number of the popular votes, and needs only to be inserted, by order of the Legislature, to become a part of the constitution.—The second proposed amendment, did not, I regret to say, receive a constitutional number of votes, and is therefore lost for the time being. I regard this as the most important of the two proposed amendments, and the returns show that it is favorably regarded by the people; a large majority of those voting on the question, voted for it, but they have fallen short of a majority of the whole vote cast for members of the Legislature. I recommend that the question be re-submitted in 1847. The main object of its friends will be attained if it passes then, as with a single exception, the judges now in office, retain their places till 1849.

Most of the States of the Union have proposed an interchange of laws, reports and legislative documents. In the absence of any

legislation on the subject, I instructed the Secretary of State to send ours in exchange for such as were sent to us. This course, I hope, will meet the sanction of the Legislature, and that authority will be given to pursue it in future, otherwise it will be abandoned.

Complaints are frequently made that difficulties are encountered in procuring the proper acknowledgments of deeds, and other instruments of writing in the different States, to be used in this State. The evil has been remedied in other States, and may be in this, by the appointment of a commissioner to take these acknowledgments, who shall depend for his compensation entirely on the perquisites of office, and who shall reside at the principal commercial point in the State for which he is commissioned.

The report of the State commissioner herewith transmitted, will bring you acquainted with the progress made in the business entrusted to his charge. The present condition of the several funds under his management, seems to render it necessary that power should be given to effect compromises. I invite your attention to his suggestions on this point. It appears to me, that the interest of the State will be secure, if the commissioner is allowed to make compromises under the legal advise of the Attorney General, subject to the approval of the Governor.

I herewith transmit the report of the commissioner of the seminary fund, and a communication from the Attorney General.—From these you will learn the condition of the several matters entrusted to their official charge. Communications from the Adjutant General and the Quarter-master General, are herewith enclosed. These reports and communications make it manifest that greater security should be required of those having the custody of the public money and property. I recommend that hereafter all bonds taken for the safe-keeping of the public money and property, shall operate as a judgment lien on the property of the obligors.

The accompanying correspondence with the stockholders and assignees of the Mississippi Union Bank, will acquaint you with the fact, that five millions of dollars in State bonds, issued on account of that institution, were delivered to me on the 14th April, 1844. The bonds were deposited in the State Treasury, and were cancelled by my direction.

On the 21st February, 1845, I received the resignation of the

Hon. R. J. Walker, United States Senator from this State, and immediately thereafter tendered the appointment to the Hon. Jacob Thompson, who declined it. On the 3d day of November last, I appointed Joseph W. Chalmers, Esq., of Marshall, to fill the vacancy, and that gentleman is now in the discharge of his duties at Washington, where he will remain until a successor elected by the Legislature, is sent on.

GENERAL JACKSON.

I have the honor to transmit resolutions of the Texian Congress, passed June 21st., 1845, tendering to General Andrew Jackson the tribute of a nation's gratitude. It was not given to the venerable patriot to receive this tribute. He died at the Hermitage 8th June, 1845, full of years and full of honors. The resolutions are not more honorable to Texas than they would have been gratifying to the eminent man for whom they were intended, had it pleased Heaven to lengthen out his days until he had received them.

The perusal of these resolutions awaken in our minds the liveliest recollections of a man who has left the impress of his mighty intellect on all the interests and institutions of his country. He was ever the fast and unchanging friend of Mississippi. Firm and inflexible in his purpose, wise in council and terrible in war; he possessed a mind to comprehend and will to serve our wants—his was a heart without guile, and in his bosom the fires of patriotism never went out. Whether in the field, at the red man's council fire, in the Senate or chair of State, or in later years, when stricken by time, we see him bowing before the altar of the great I AM, his cares, his toils, his affections and his energies were given—always given to his country. He has descended to the tomb, but it is left with us to manifest our respect and veneration for his name. In token of the deep sense of gratitude which we feel for the past political and military services of this great man, I respectfully suggest that one of the niches in the rotunda of the capitol be filled, by order of the Legislature, with his statue in marble. And as he was in life purely an American; in mind, body and soul, wholly and entirely an American citizen, this tribute will only be complete when the work is done by an American artist in American marble.

Resolutions from the different States have been forwarded to me from time to time, with requests that I should submit them to

the Legislature. They relate to a great variety of subjects, some of which, may require your attention. They are submitted to your consideration.

Of the contingent fund of the Executive Department, I have paid out on account of 1842–3, - - - - - $421 00
" " " 1844, - - - - - $3629 39
" " " 1845, - - - - - $2905 85
for which I shall be pleased to exhibit vouchers to a legislative committee.

A book of great value in the administration of our probate laws has been compiled and published, by Ralph North, Esq., of the city of Natchez. I recommend that a sufficient number of volumes be purchased by the State, te supply the several probate courts and the State library.

I have thus, gentlemen, at the hazzard of being tedious, given you my views on such subjects as in my judgment, merit your attention. The absence of the Legislature for two years has permitted a great number and variety of subjects to accumulate, the presentation of which, to your consideration, has required unusual space. Apologising for any unnecessary prolixity in this communication, I conclude with an earnest invocation to the Divine Power so to direct your councils that all your acts may redound to the happiness of the people and the glory of our common country.

A. G. BROWN.

EXECUTIVE CHAMBER,
January 6, 1846.

DOCUMENTS ACCOMPANYING THE GOVERNOR'S MESSAGE.

LETTERS RELATING TO THE SCHOOL LANDS.

EXECUTIVE CHAMBER,
City of Jackson, Miss., 23d September, 1845.

DEAR SIR: Intending to bring the subject of Schools to the attention of the Legislature at its next session, I have to request you to furnish me with information on the following points:

1st. How many 16th sections have been sold in your county?—At what price were they sold, and what disposition has been made of the money?

2d. How many 16th sections remain unsold, and what is the probable value? *State it in dollars and cents!*

3d. What number of schools in your county are now supported in whole or in part by the proceeds of the 16th sections? When the school has been supported in part only? What proportion does that part bear to the whole amount paid?

4th. What number of children are schooled in your county by the proceeds of the 16th sections?

5th. Have the unsold 16th sections been trespassed on, and if so, to what extent have they been damaged?

May I urge you to make your reply to these interrogatories, at as early a day as may be consistent with your engagements, and not delay it longer than the first December next.

Very respectfully, your obedient servant,

ALBERT G. BROWN.

The foregoing communication has been addressed to the several judges of probate and presidents of the boards of county police in this State.

Copies of Letters from the Presidents of the Boards of Police, in relation to the Sixteenth Sections of School Lands in the State of Mississippi.

ATHENS, MISS., September 19th, 1845.

DEAR SIR: I received your communication of the 23d September, 1845, requesting information on several points relative to the 16th sections in my county: In answer to which, I have the honor to transmit to you the following information: and as there are but nine sixteenth sections in my county, I will give it for each separately:

	No. of Children	Doll.	Cts.
Sixteenth section township 12 no. 16 w. sold,			
Amount of funds:		736	94
The funds are well secured by the purchasers, having been recently sold: no children as yet are educated from the proceeds.			
Sixteenth section of t. 12 r. 17 w. sold:			
Amount of funds:			
Loaned at 10 per cent to private persons, and well secured.			
One school ten months in the year, wholly paid from the proceeds, at which school are educated,	40		
Sixteenth section, t. 12 r. 18 w. sold.			
Amount of funds:		2360	00
Loaned to private persons at 10 per cent, and well secured.			
One school ten months in the year wholly paid for from the proceeds, at which school are educated,	50		
Sixteenth section t. 13 r. 18 w. all sold except one $\frac{1}{8}$.			
Amount funds for the part sold:		795	00
Value of the $\frac{1}{8}$ unsold,		300	00
Loaned to private individuals at ten per cent, and well secured.			
Three schools for three months in the year, wholly paid for from the proceeds, at which schools are educated,	50		
Sixteenth section t 13 r. 17 west, not sold, wholly valueless for cultivation.			
Sixteenth section t. 14 range 11 west, sold.			
Amount funds:		1375	00
Loaned to private persons at 10 per cent, and well secured. Owing to some derangement in the board of trustees, there has			

	No. of Children.	Doll.	Cts.
been no children taught from the proceeds for the last year: they are sufficient for one school six months in the year, at which might be educated,	30		
Sixteenth section t. 14 r. 18 west, sold 7. Amount funds:		1692	02
One-eighth unsold, worth,			
Scholars, about 80 to be educated,	80	240	
The proceeds will pay about one-fourth of the tuition.			
Section 16 in t. 15 of r. 17, and section 16 in t. 15 of no. 18 west. I have not had the opportunity of ascertaining the precise information, but believe they will average with the others.			

His Excellency A. G. Brown:

You will perceive that this information extends only to that portion of Monroe county lying east of the river: the west side of the river being in the Chickasaw cession.

I am, sir, very respectfully yours,

(Signed,) MATTEE GIBBS.

MISSISSIPPI CITY, Harrison county, Miss., October 13th, 1845.

DEAR SIR: Your letter of the 23d ultimo, has fallen into my hands, asking information relative to the 16th sections in this county.

There has not been a single 16th section sold in this county, which constitutes an answer to almost all the questions propounded.

There are 24 16th sections unsold in this county, worth at present an average of about $300 a section. One of them is mostly in the Bay of Biloxi, and partly covered by an old Spanish grant. The Secretary of the United States Treasury has been requested to locate another section in lieu of this.

There are five fractional townships on the coast in this county, that have no 16th sections or other lands reserved for schools, on account of the size of the fraction in some cases, and others, the 16th section has been taken by Spanish and other grants. A similar request has been made of th Secretary of the U. S. Treasury to locate lands for some of them.

We have in this county but four common schools, at which about

75 children are instructed on, an average, while there are about 300 others that ought to be at school in the county.

Our population is at present much scattered, and is one of the great difficulties to be overcome in this, as in all new settled counties, by individuals in getting means of instruction for the children.

I sincerely hope your Excellency's efforts to get a good system of education established throughout the State, will be crowned with triumphant success the ensuing winter.

I shall probably have it in my power to further, in some small degree, your laudable efforts to effect so desirable an object, as I am before the people for a seat in the Legislature, and my friends say I will be elected. A month more, however, will give us more certain information.

Very respectfully, your friend and servant,

(Signed,) JNO. J. McCAUGHAN.

JONES COUNTY, October 23d, 1845.

To your Excellency A. G. Brown:

SIR: Your interrogatories in relation to the 16th sections, is now before me, and I take great pleasure in giving you all the information on the subject I can.

1st. There never has been any 16th sold in our county.

2d. We have only 16 sixteenths in our county.

3d. Three of them have been trespassed on, but nothing damaged; on the contrary, their value enhanced.

There is but four 16ths that is worth anything, that I can speak positively about, and I should state their value thus:

Four sixteenths, a 50-100 per acre,	$1280
Four sixteenths, a 640 each,	2560

The balance of the sixteenths I consider valueless, they being poor piney woods.

By reference to a correct map of the State, this county is imposed upon in this particular. You will there perceive that township 10 is a fractional one, and in running out the Choctaw nation, that township was made complete and all the 16th falls to another county, Jasper. Again, you will perceive that the western boundary of our county extends to the centre of range 14 west, but does not include any of the 16th within range 14. Jones county then

loses as much as two 16ths on the west, and two in the north; and those on the north are, as far as my knowledge extends, valuable. Your Excellency will therefore do well to drop a hint in your message to the next Legislature, (when speaking of schools,) to have this matter equalized among the counties, or school districts.

Very respectfully,

Your obedient servant,

(Signed,) JAMES M. EVANS,

Judge of Probate.

ISSAQUENA COUNTY, Oct 25, 1845.

His Excellency A. G. Brown:

SIR: In answer to the questions contained in your printed circular, I regret to say that I have so little information to give you.—This county is a new one, and all the records are in the county of Washington: the officers of that county have refused us copies of all the papers—those, indeed, which relate to our school lands.—The school lands on the front have all been sold, and are valuable. I do not know the number of sections unsold. There is not a school in this county, supported in whole or in part, by the school fund. I understand that a large amount of timber has been taken from some of the school sections, and I have requested the members of the board of police residing there to put a stop to the evil.

With the highest respect;

Your obedient servant,

GEORGE G. SKIPWITH,

President Board Police Issaquena county.

YALLOBUSHA COUNTY, October, 29th, 1845.

DEAR SIR: Your circular of the 23d ultimo, addressed to the board of police of this county, making enquiries in relation to the school lands, &c., &c., in this county, I received some weeks ago.

I regret it is not in my power to give satisfactory answers to any of the five questions you have submitted. The school commissioners are not required to return to the police court an account of their proceedings, so as to furnish any data upon which to give you information. I do not believe the 16th sections have generally been

managed so as to be of much benefit to the school fund. I *know* of but two, where the proceeds have yet been of any benefit. I believe the 16th sections have generally been sold where the lands were worth anything. This is a populous county—many children in it. As far as my observation extends, a very great disposition prevails in parents to educate them; but I can give you no information "what number are supported," in whole or in part, by the proceeds of the 16th sections; but few, tho', I think; nor do I believe, under the present system, there ever will be many.

I am glad you propose bringing the important subject of schools before the Legislature: hope you will devise and suggest some better plan than is now in operation. The responsibility of those who have to attend to the school fund, is so divided, it rests on so many, that it is attended to by nobody. Let there be as few agents as possible, and make their responsibility *direct, positive* and *certain*. No system, no matter what it is, will ever succeed where there are many agents and a divided responsibility. The truth is, we have so many elections *by the people*, such frequent changes for cause and *without cause*, that by the time a person in office becomes acquainted with his duties, his term expires, he retires, or is thrust out by some one else, who knows nothing (probably) of his duties; and if disposed to learn, like his predecessor has to share the same fate. We all know and feel the truth of these things every day in nearly every officer under the government, and yet we look on, suffer, submit, and attempt no change.

Very respectfully, yours

J. H. LEIGH.

NATCHEZ, November 4, 1845.

Governor Brown:

DEAR SIR: Since I had the honor to suggest to you a short plan for public schools, I have seen many others in the newspapers, all of which, I think, objectionable, on account of the distinction they make between rich and poor, their complication and their expensiveness. It is necessary to the success of the scheme, that such errors should be avoided; and particularly, that no distinction be made between *rich* and *poor*, which cannot be certainly prevented without a fundamental rule, that *no tuition fees are to be charged*,

under any circumstances. I doubt the propriety, also, of making the system *obligatory*, at first, further than to require one school to be established in each county, as suggested in my former letter, and all the expense, independent of what is borne by school lands. State funds should come from the county treasury, without any special *school tax.* This feature was thought an independent one in the early laws of Massachusetts.

Respectfully, your obedient servant,

C. P. MERRILL.

JACKSON COUNTY, 6th November, 1845.

ALBERT G. BROWN,

Governor of the State of Mississippi:

DEAR SIR: Your letter of the 23d day of September last, was duly received, and in reply to the several interrogatories, I have to state, to the first,—"How many sections have been sold in your county? At what price were they sold, and what disposition has been made of the money?" Answer—none has been sold.

To the second—What is their probable value? Answer—very little value.

3d. What number of schools in your county are now supported in whole or in part by the proceeds of the 16th sections? Answer—none.

4th. What number of children are schooled in your county by the proceeds of the 16th sections? Answer—none.

5th. Have the unsold 16th sections been trespassed on, and if so, to what extent have they been damaged? Answer—none has been trespassed on to my knowledge.

Very respectfully, your ob't serv't,

JOHN FAIRLEY.

RALEIGH, Smith County, Mississippi,
November 7, 1845.

DEAR SIR: In compliance with your request I beg leave to communicate to you the following information respecting the 16th sections in my county, viz:

1st. There has been but one sixteenth section sold legally;

which brought one hundred and twenty-five dollars only; the money has been collected and loaned out at interest.

2d. There are twenty sections remaining unsold: the 16th sections in this county are generally of an inferior quality of lands; and are not probably worth more than six thousand dollars.

3d. There are no schools supported, either in whole or in part, by the proceeds of the 16th sections.

4th. There are no children schooled by the proceeds of the 16th sections in my county.

5th. The unsold 16th sections have been trespassed on to some extent, but whether any of them have been damaged thereby or not, I am not prepared to say, but am of opinion that the improvements made on them, in a majority of cases, will enhance their value, provided they are sold or leased soon.

The information above given is the best I have or could obtain; not having an opportunity to examine all of them myself, I obtained the best information I could from others.

Very respectfully, yours &c.,

W. F. BOWLING,

President B. P., I C.

NOVEMBER 7, 1845.

Governor A. G. BROWN:

DEAR SIR: I proceed to answer your request concerning the 16th sections in Jones county, State of Mississippi.

1st. How many 16th sections have been sold? Answer—none. The second is: How many 16th sections remain unsold? Answer—all. I shall now give you what is their supposed value, as follows:

16th Sections.	Township.	Range.	Dollars.	Cents.	
1	6	10	00	00	
2	6	11	00	00	
3	6	12	00	00	
4	6	13	20	00	
5	7	10	00	00	
6	7	11	00	00	
7	7	12	5	50	
8	7	13	200	00	trespassed on.
9	8	10	00	00	
10	8	11	10	00	do do
11	8	12	10	00	
12	8	13	150	00	do do
13	9	10	200	00	do do
14	9	11	10	00	
15	9	12	00	00	
16	9	13	10	00	
			$615	50	

5th. Have the unsold 16th sections been trespassed on; and to what extent have they been settled? On which, from all information I can get, makes them more valuable, which the list will show them that have been trespassed on.

I am, your ob't serv't,

DAVID N. CARLILE, *P. B.*

STATE OF MISSISSIPPI,
Wayne County, Nov. 32, 1845.

SIR: In compliance with your request, I return such answers to your interrogatories as I have been able to collect. Your letter did not reach me until a few days ago, and not having been long a resident of this county, I have to depend on such information as I could hastily collect.

1st. Two 16th sections have been sold; four hundred acres of one section was sold for one cent per acre: the remaining two hundred and sixty acres has never been sold. The other section was sold—the whole of it—the amount it sold for, I do not know; and if any more was received, I do not know what disposition was made of it; nor do I believe that any titles have been made to any land sold of the 16th sections. It is also believed, that the lands above mentioned were illegally sold.

2d. From the best information I can get there is but three 16th sections in this county that is worth any thing; two of them are those that have been sold; the other has never been offered for sale: the three sections, if sold at a fair sale, would probably command two thousand dollars.

3d. There is not now, nor has there ever been, a school in this county supported, in part or in whole, by the money realized from the sale of the 16th sections.

4th. There is not one child in this county schooled by the proceeds of the sales of the 16th sections.

5th. There are now trespassers on the best 16th sections—there are three trespassers on the best 16th section, that never was offered for sale. I suppose the damage the 16th sections have sustained by trespassers has not been very great; but should they continue to live upon them, and to clear lands, as they have done, they would be very much damaged in the course of a few years.

The most of the 16th sections, one not worth any thing; and there is but three in this county that is considered worth selling. There is not a county in this State where education is more neglected than this. There is now in the hands of the county treasurer about two hundred dollars of the literary fund, the greater part of which, I am informed, was collected from fines.

Very respectfully, your ob't serv't,

T. J. CHAMBERS,

P. B. C., P. W. C.

To His Excellency, A. G. Brown,

Governor of the State of Mississippi:

Sir; In a communication from you, dated 23rd September, 1845, propounding several interrogatories, I now hasten to answer as near as I can.

One 16th section has been sold only in my county, which sold for $335. Three hundred and thirty-five dollars, which amount of money is at interest.

And there is yet 15 16th sections unsold in my county, worth probably, fifteen hundred dollars.

There is no school in my county supported by such a fund. I

do not consider that the 16ths in my county have been damaged any as yet.

I hope the above will meet your wish.

Yours, Respectfully,

J. A. WILCOX, *President of the Board of Police.*

NATCHEZ, November 26, 1845.

To his Excellency, A. G. BROWN:

DEAR SIR: In accordance with the request contained in your circular of Sept. 23rd, addressed to the president of the board of police of Adams county, in relation to school lands, I am at length enabled, after a good deal of research, to give you the following information, viz: To your first enquiry I reply, that there is fourteen sections and fractional sections, containing in the aggregate 6095 30-100 acres—to the second query I reply, that from all the information I can gather, there has none been sold, except a fractional section, containing about two hundred acres: the proceeds of this sale supports the education of about fifteen scholars; this is the only case where children are educated by the proceeds of school lands. The unsold lands have been trespassed upon to a considerable extent; I would say, probably, to one 16th of their estimated value. The probable value of the lands might be estimated at five dollars per acre—the fractional section named, on the other side, was sold for forty dollars per acre—but this sale can afford no criterion for the actual value of other sections, as it was sold under peculiar circumstances. I have been somewhat tardy in giving you this information, but I could not do it sooner, as I was obliged to employ a competent person to visit the different sections in the county before making my reply.

I have the honor to be

Your Excellency's most ob't serv't,

B. WADE, *President Board Police Adams county*

CHARLESTON, November, 27, 1845.

Honorable A. G. BROWN:

I attempt to answer your enquiries in reference to the 16th sections in this county, set apart for schools. I owe an apology for so long delay. I have not been enabled to get the information desired until this late day, and the elections occupied so much attention that the officers of the different departments have not been enabled to assist me in making examination, &c.

The history and condition of our 16th sections are truly wretched; nothing perhaps has been managed more recklessly than the 16th sections of this county, without the days of the Union bank should be brought to memory. I will give you, however, as correct a statement as I can possibly arrive at, which is all required by you.

The 16th section in township 26, range three east has been sold and forfeited: I do not consider it worth exceeding $160; it is almost valueless. The number of children in said township is about 100.

The number of sections sold is three, amounting to about the sum of $5,647 71, and the money in two of them has been loaned out under the old law; and there is three schools supported in part from the money, say about 60 children in the three schools that are about half supported from the proceeds arising from the sale of the lands. The 16th section sold under the law enacted by the Legislature of 1842, is a part of the amount of the three sections sold as herein stated. The amount sale of these three sections is considered to be well secured: the number of children in these townships are supposed to be about 250.

The 16th section in township 25, range 36 east, is unsold, but rents for about $85 per year: what is done with the proceeds I know not; it is worth about $1,280. The 16th section in township 24, range 2 east, is worth about $1,000.

Those remaining unsold are in number 22, and their probable value, except the second above named, I know not, neither can I ascertain, without giving myself much trouble, as they are in that portion of the county that is unsettled, and will therefore require some days to examine the lands and make that report that is desired by you without some compensation is made me: number of children about 300. I know but one 16th section of my own knowledge that is trespassed upon, and that lies upon the Talla-

hatchie river, and if I mistake not, now cultivated in part by James Shriley; it is very valuable and has been once sold to James R. Marsh, now dec'd, and the notes given for the payment of the purchase money lost. I shall ever deem it my duty to give you any information that you may desire, and your request in that respect shall be complied with.

Most Respectfully, your ob't serv't.

JAMES STEELE,
President B. P., T. C.

SHIELDSBOROUGH, November 24, 1845.

Gov. A. G. BROWN:

DEAR SIR: In answer to your request of the 23rd September, I must say to you, that being absent from the State of Mississippi, I did not receive your letter till a few days ago.

1st. There has been two 16th sections sold in Hancock county since I have been in office, and they are all that have been sold; one was sold the first Monday in March last; it sold for seventy dollars, and of course the first note is not due yet: the second was sold on the first Monday in July last; it sold for one hundred and seventy-five dollars. All the notes are in my hands.

2d. There are twenty-five and a fraction of 16th sections that remain unsold; they are mostly all in the piney woods, and what the value is I am unable to say.

3d. There are no schools supported out of the proceeds.

4th. There are no children schooled in Hancock county out of the proceeds of the 16th sections.

5th. There has been one unsold 16th section trespassed on, and as well as I can ascertain, to the amount of ten per cent. on the value. It is said that it is the most valuable one in the county. It was trespassed on about three years ago, and at that time it would have sold for four or five hundred dollars. I entered suit in the Circuit Court, but failed in the prosecution. You will excuse me for not answering you, on account of my absence.

I am, very respectfully,
Your obedient servant,

A. G. BROWN.

STEPHEN MEAD,
Judge of P., H. C.

CLINTON, November 27, 1845.

Honorable A. G. BROWN:

DEAR SIR: Your communication of 23d September last, addressed to Henry G. Johnson, on the subject of 16th sections, has been placed in my hands. I can only give information as to the 16th section, township 6, range 1 west.

Sales of section,	$5,231 12
Funds belonging to section independent of the sale,	1,131 21
	$6,362 33

There are two schools on the section employed by the trustees.

Number of students at this time free of charge, with a prospect of an increase—34.

Under the late law only 8 per cent. interest has been collected, but I am under the impression that law has been repealed, so far as the 16th section funds are concerned, and 10 per cent. will be immediately collected.

Very respectfully, your ob't servt,

E. M. LAWRENCE, *Sec'y & Treas'r,*
16 Sec. T. 6, R. 1 W.

To His Excellency, A. G. BROWN:

SIR: In answer to your interrogatories, I state as follows, viz:

First, two sixteenth sections have been sold for	$2,390 00.
Amount paid over to the trustees, and loaned out at interest at this date,	358 40
Sales thought to be illegal, and now in law.	
Second, fourteen sixteenth sections remain unsold, valued at	$8012 00

Third, no schools supported by the proceeds of the sixteenth sections.

Fourth, no children schooled by the proceeds of the sixteenth sections.

Fifth, the unsold sixteenth sections have been trespassed on, but not damaged.

All of which is respectfully submitted,

ASA CHAMBERS, *President,*
Board Police Scott county.

Hillsboro Miss., Nov. 28, 1845.

BENTON, NOV. 30. 1845.

DEAR SIR: I have taken some pains to inform myself in regard to the interrogatories propounded in your circular letter of the 23d September, on the subject of sixteenth sections, but I regret to say, with little success. I will, however, proceed to answer as far as the limited information obtained will authorize:

1st. There are twenty-two sixteenth sections in Yazoo county, (including fractional sections,) and about thirteen of the number have been leased for ninety-nine years, at what price, I cannot say. Four or five of these sections were sold in *Brandon times*, and the proceeds "gone glimmering through the dream of things that were." The remaining eight or nine are appropriating their money, or the interest thereon, to the support of schools. Forty or eighty acres were generally retained by the trustees, on which school houses have been built, and schools taught.

2d. About nine sections remain unsold. A few, perhaps five of these, will sell for five dollars an acre: The remainder of little value.

3d: There are about twelve schools supported on the sixteenth sections, and controled by trustees thereof, and receiving probably one-half their support from funds arising from said school lands.

4th. There are probably two hundred children schooled in this county, by the proceeds of said sections. The trustees, in most instance, where the school fund is insufficient to sustain the school *entirely*, appropriate it to the indigent, leaving the wealthy to pay *their* tuition fees.

5th. The unsold sixteenth sections have been trespassed on *to some extent*, but not *great*, as timber is abundant in all portions of our county, and consequently, the destruction of it, amounts to little damage.

I am highly gratified at your desire to bring the important subject of education before the legislature, and regret my inability to be more explicit in regard to the situation of our county in the premises.

With high segard, your ob't serv't,

J. J. MICHIE, *President,*
Board Police, Yazoo county.

NEAR BRANDON, Rankin county, Dec. 10, 1845.

To His Excellency, the GOVERNOR:

DEAR SIR: It gives me much satisfaction to be apprised of your intentions relative to schools, and it would give me real pleasure to answer your interrogatories fully, but from the way the sixteenth sections have been managed in this county, I dispare of any thing like success, if I were to attempt it.

The sixteenth section in township five range three, a part of Brandon, by a previous act of the legislature, vested in the trustees of Brandon academy; sales were made of lots on it, nominally large amounts promised therefor, whether paid or not, I cannot tell. If paid I do not know to what use applied. Both academies, male and female, are conveyed in trust to persons for the pretended or real loans of money for their erection. I have been sending to school in Brandon, since 1837, and have paid from two to three and a half dollars per month all the time, and know of none who have fared better. That many persons claiming lots, and enjoying all the benefit thereof, which were never paid for, I do not doubt. The part of the sixteenth section which has not been sold, is free to all that will, to pilage for fire-wood, and any other timber they want. The law spoken of having taken all authority from the board of police, and the resident heads of families, and trustees of the academies, some dead, some moved off, and the balance taking no action in relation to it. Sixteenth section township five, range two, part has been sold, and there are deposited in the police court bonds, &c., for money of which, some of the parties have gone the way of all flesh, and others to Texas, and some insolvent, and a few probably good for the amount, if any action were taken, but as the principal heads of families will not act, and the Judge of Probate has not acted, it has never been any benefit to schools in the townships. The unsold part is in like situation with Brandon. A. W. Wilson is living on it free of all charge. Sixteenth section of township four, range two, was sold, and large improvements made, but nothing paid. Heads of families, much to their credit, have taken it back; and for the last two years have rented it annually, and it is a considerable help towards schooling the children of the township; and renting at fair prices and still improving, it will in a short time, nearly school the children of the township; and in my opinion, this should have been done in every instance from the beginning. It is probeble there are, and I think there

are a few other sixteenth sections the trustees of which, are trying to do right; but the balance are managed most wretchedly, and not worth one cent towards schooling the children.

Very few of the trustees ever gave bond or took the oath of office; and instead of managing for the benefit of the rising or coming generation, are managing for self, son-in-law, John, Dick, cousin Tom, Dick or Harry, &c., &c. Some have never underwent the ruinous care of any superintendents, and except being pilaged for timber, which some of them on Pearl river are best off. Would it not be well to make it penal and inflict a severe punishment on such trespassers. Many of the sixteenth sections, and parts of them have been sold, and not one cent paid for them; the purchasers selling to third persons, and receiving pay, and in some instances large prices and running off, and the townships never received one cent. I will endeavor to procure more particular information on this interesting subject, and lay before your Excellency, as soon as possible.

In the meantime, I remain your most obedient serv't,

WM. M. WILLIAMS, *President,*
Board Police, Rankin county.

LEXINGTON, Holmes county, Nov. 25, 1845.

DEAR SIR: In answer to your request of September 23d, relative to school lands, I have endeavored to get what information I could, which is as follows, viz:

I think there is nineteen school sections in this county. eighth section has been sold. Eight hundred and eighty acres have been cancelled. Section sixteen, township sixteen, range three east, has been sold, and payment secured, : : $54 00
Eighty acres in section three, township sixteen, range two east, : : : : : 400 00
Township fifteen, range two east, sold and payment probably secured, : : : : : 1700 00
Township fifteen, range three east, sold and payment secured, : : : : : 601 00
Township fourteen, range four east, : : : 2200 00
Township fourteen, range three east, sold and payment secured, : : : : 1900 00

$6855 00

Amount brought over,	$6855 00
Township thirteen, range two east half section sold, payment secured,	600 00
Township thirteen, range three east sold, payment secured,	6800 00
And pays fifty per cent. of the tuition in said township.	
	$14,255 00

The balance is unsold, and a portion of it entirely worthless. I suppose it to be worth some $8000 00.

Very respectfully, your ob't serv't,

AUGUSTUS PITCHFORD, *President,*

Board Police, Holmes county.

RODNEY, Dec. 7, 1845.

To His Excellency, A. G. BROWN:

DEAR SIR: I regret that the circular addressed by you, to the president of the board of police in the several counties, relative to the number, probable value, disposition, &c., of the sixteenth sections of school lands, did not reach this county until after the time at which you desired the information to be at Jackson, otherwise it should have met my prompt attention. Believing that my compliance would not benefit your Excellency,

I remain your humble servant,

ROBERT COX, *President,*

Board Police, Jefferson county.

MILLDALE, Warren county, Miss., Dec. 3, 1845.

To the Governor of the State of Mississippi.

To Your Excellency:

SIR: We, the subscribers, citizens of township eighteen north, of range five east, wish to lay before you the situation of our township. It contains a valuable sixteenth section, that is worth in our opinion, eight or ten thousand dollars, and it is yet unappropriated as to the use of a school, which school we very much need. We

have from eighteen to twenty poor children in our township, and we have no school to school them. Your address to the Sun-flower board of police is flattering to our necessities, and shows to us your patriotism for free schools. You will please let us direct your attention to the statute of this State, (page 131, section 30,) where it provides that in the event that there shall be one or more townships, which does not contain population sufficient to elect trustees as is provided for by law, that the board of county police of the county in which the same is situated, shall lease the said section according to the provisions of this act, and in all other respects, perform the duties required of said trustees. Sir, we have urged the board of police of this county upon this subject, and they will not act for us. Sir, we have population sufficient to form a board of trustees, but those of this population who would act as trustees, are poor, and cannot give a sufficient bond for their performance as the law requires trustees should give. We are as bad off as though we had not a sufficient population to form a board of trustees; and those of this population who could give a sufficient bond have already been trustees, or purchasers of this sixteenth section. We learned from W. B. Fears, who was one of the trustees of this sixteenth section, that in the month of July, 1836, that himself, N. L. Matthews, L. A. Ward, John Rogers and S. G. Parkes, was appointed by the board of police of this county as trustees, and they got an order from the board of police to have it sold, and that it was sold for twenty-six thousand and twenty-five dollars. It was bought by W. Adams and John Purvis, who were able to make the payment when the money became due, but did not make them, so the trustees sued them upon their notes, and got a judgment for the money; and after judgment was obtained, it appears that the purchasers, Adams and Purvis, came to a compromise with the said trustees, and that the said Purvis and adams did pay to N. L. Matthews, one of the said notes, (five thousand dollars,) for that compromise. This we have from Mr. John Adams, who states to us that he himself did pay to N. L. Matthews, the money for the compromise, and if so, Matthews must have kept it, for he has never employed a school teacher, nor has there ever been a township school in the township. Also the former purchasers, Adams and Purvis, have been, and are still using the best timber for rails and boards, off of the sixteenth section. Also Adams has in cultiva-

tion some fifty or sixty acres of it, and has had ever since he purchased it.

You will favor us with your attention, and we will ever in duty pray, &c.

JACOB WEBSTER,	JOHN WATSON,
JOSEPH McCAUDLESS,	RICHARD B. POWELL,
HENRY HILL,	ASA CHAMBERS,
GEORGE C. SHEPES,	WOODFORD OWENS,
LENARD HENDRICK,	THOMAS H. HILL,
SAMUEL WATSON.	

CORRESPONDENCE ON THE SUBJECT OF SCHOOLS.

Copy of letters from Lyman Cobb, of New-York, in relation to the Common School Laws of that state.

NEW-YORK, April 16th, 1845.

DEAR SIR: On my return from a visit to the city of Philadelphia and Baltimore, I obtained your favor of the 18th ultimo. Since that time I have been engaged in collecting such reports, documents and other materials as I deem of importance to you, which I hope to transmit to you as early as the 10th or 15th of next month, perhaps sooner. But as I wish to give you explanatory notes in relation to many of the Common School Laws of this state, the causes which led to the adoption of some when the country was less intelligent and wealthy, as well as less experienced in all that pertains to Public Instruction, as well as the rejection of them at a later period, I think it not probable that I shall be able to send them before the 15th. At all events, no time shall be lost on my part in rendering you my feeble aid in your laudable and praisworthy efforts to establish Common Schools in your state.

My kind regards to my friend Dr. Rush.

With much respect, yours,

LYMAN COBB.

NEW-YORK, June 30th, 1845.

DEAR SIR: Since my letter to you, I have been engaged in collecting documents on the subject of Education, mostly in relation

to the subject of Common School Education; and I trust, that a perusal of them will aid you somewhat in your determined purpose to bring the matter before the legislature of your state.

It is, I believe, a generally admitted fact among all philanthropists, patriots, and statesmen, that to perpetuate our Institutions, *the great body of the people must be educated.*

The question which presents itself is, of course, how shall this be done? Many good men and true, seem to think that the people should be compelled, as in Prussia, by law, to educate their children, or to place them where they can be educated. Others, equally philanthropic and patriotic seem to think, that the state should make ample provisions for all to be educated, *free of charge*, and that they should be at liberty to send their children or not.

In the state of New-York, we have decided and acted upon that decision for the last thirty years, that, *to help the people to help themselves*, is the true policy in matters of education as in every thing else.

Accordingly, no town can receive any money from the Common School Fund of the state, unless that town shall raise by tax, an *equal* amount to its portion of that fund. Thus a constant interest is kept up and felt among the people.

The Common School Fund of this state, as you will perceive by documents sent you, is composed of Lands appropriated to that purpose, and the salt and auction duties. In *one* city, and in some others, and perhaps in all the other cities of this state, laws somewhat different from those applicable to the state at large exist.

It matters very little, however, what amount of funds be raised and appropriated, unless the *supervision* be good. In this state we formerly had three Commissioners and three Inspectors of Common Schools, whose duty it was to district the towns, inspect the teachers, &c.

That responsibility was too much divided. We now have a town superintendent instead of these six officers, who has supervision of all the schools in his town; and a county superintendent who has supervision of all the schools in his county, to whom the people o any town may appeal—An appeal may also be made from the decision of the county superintendent to the state superintendent whose decision is final.

One great error, in my opinion, exists in the distribution of the state fund in this state—It is apportioned among the different coun-

ties of the state according to the number of children in the county between 5 and 16, whereas, in my judgment it should be apportioned among the counties in proportion to the *attendance*. For instance, suppose in the year 1845, there are in the county of Tompkins and in Cayuga each 15,000 children; in the county of Tompkins 14,500 attend school, during the year, yet, in the county of Cayuga but 8,400 attend—still Cayuga receives just as much money as Tompkins. This is obviously wrong. It takes away the great stimulus which would otherwise act with great influence on the people of said county. Many other matters, in relation to the establishment, supervision, and support of Common Schools, might be treated of. If, on the receipt of this letter, and the documents named below, shipped on board the packet Arkansas, for New-Orleans, to sail on Monday next, consigned to Aaron Coben, agent at New-Orleans, you shall be inclined to correspond further with me on this subject, please to inform me by mail. I will endeavor to answer promptly. I have delayed writing and sending you these documents in expectation of receiving two other very valuable ones, viz: Hon. Henry Barrow's reports, and the New School bill recently passed by the Rhode Island Legislature. I hope, however, to be able to send them in a few days by mail.

I have taken the liberty to send you two sets of my *new* series of Schol Books, as far as published, which please to accept and dispose of as you may think proper.

My kind regards to my friend Dr. Rush. I shall be pleased to receive a letter from him.

With sentiments of very great respect,

Yours very truly,

LYMAN COBB.

Common School Journal, vols. 1 2 3 & 4.

Abstracts of Massachusetts School Returns 1843–4.

Rev. Mr. Richardson's address on Common School Education.

Annual Report of Commissioners of Common Schools in Connecticut, 1842.

Mr. Horace Mann's Lecture on Education.

Education and Labor.

School-Houses.

School Architecture.

Mr. Horace Mann's Seventh Annual Report.

Storie's Common Schools and Teachers Seminaries.
History and condition of Schools in Rhode Island.
Barnard's Reports of the Common Schools of Connecticut.
Several copies of District School Journals.
State Superintendent's Report, 1837.
Mr. Page's Lecture.
Laws of the Common Schools of the State of New-York.
Report of the city (New-York) Superintendent.
Henry's Address.
Report on the State Normal School.
State Superintendent's Report, 1844.
Do do - - do with country Superintendents Report.
Do do - - - 1845.
Do do - - - 1838.
Emerai's Lecture.
Report of the Controllers of Public Schools city of Philadelphia, 1843, 1834, 1836, 1339, 1338, 1837, 1833.
Report of the State Superintendent with reports of county Superintendents, 1343.
Do - - do 1839.
Report of the Superintendent of the Public Schools in the city of Wochester.

COUNCIL CHAMBER,
Boston, 13th March 1845.

SIR: Your favor of the 19th February, making enquiries in relation to our Common School System, was received on the 7th instant. I referred your letter to the Hon. Horrace Mann, the Secretary of our Board of Education, whose whole time is devoted to the subject of popular education, with the request that he would reply to it. I herewith send his answer to you. Our system is substantially the same that has existed in Massachusetts for two hundred years, with such improvements from time to time in the details as experience has suggested. The experiment of Normal Schools for the instruction and preparation of Teachers promises to add much efficiency to our School System.

I send you with this the extracts of our School returns for two years, and the report of the Secretary of the Board for the last

year. It would give me great pleasure at any time to furnish you any information or documents in my power in relation to this deeply interesting subject, that could be of service to you in laying the subject before your legislature. I wish you much success in your movement in the great cause of Popular Education. It is worthy the attention of your rising state.

This opportunity of renewing the short acquaintance begun when we were members of the House of Representatives of the United States, gives me great pleasure.

With great respect, I am yours,

GEO. W. BRIGGS.

His Excellency, A. G. BROWN, Gov. of Missp.

BOSTON, March 10th, 1845.

To His Excellency, Gov. Briggs:

DEAR SIR—I did not receive your note till Saturday evening, and am obliged to leave town this morning, for two or three days. Having many things to do preparatory to my departure, I have time for only a very brief answer to your enquiries.

As you well know, our whole territory is divided into townships, and the great majority of the towns into school districts. Some towns maintain their schools in their corporate capacity. Every town is obliged to raise money for the support of schools; every district is obliged to provide a suitable house in which the school may be kept; each town chooses a committee, who are to approve teachers, and each district a committee, who is to keep the school house in repair, provide furniture, fuel, &c. Every district, however small, must employ a teacher, competent to instruct in orthography, reading, writing, English grammar, geography, arithmetic, and good behavior. The State contained a population, at the last census, of 737,700, and the towns raised last year, by voluntary assessment, for the three items of teachers' wages, and board and uel for the schools, the sum of $548,470 06. The towns and districts taxed themselves for school houses, raised by voluntary contribution to prolong the schools, about $150,000 more.

At the commencement of the school year, blank forms of registers are sent to each school district in the State. These the teachers are required to fill up from day to day, with the number of scholars in attendance, their studies, &c. At the &c. close of the

year, another blank form is sent to each school committee in the State, proposing all requisite inquiries respecting the schools; the school committee collect the registers from the teachers, (now filled up,) and from these and other data, they digest, collect and enter, the whole statistics of the schools, upon the blank last mentioned. This blank, so filled, is returned to the Secretary of State. In addition to filling the blank just mentioned, each school committee is required to make an annual report of the condition of the schools, respectively, in the towns. This report must either be read in open town meeting, or printed, and distributed among the inhabitants. The original is lodged in the archives of the town, a copy is sent to the seat of government. From these statistics and reports, made by the committees of the respective towns, the Board of Education cause a volume to be prepared, entitled, "Abstract of the Massachusetts School Returns." This abstract presents a complete view of the statistics of the schools, and also a compilation consisting of the most valuable portions of the committees reports—such portions as may prove of general interest. The whole has, ordinarily, made a volume of 300 pages, or more, closely printed. A copy of this is given to each member of the Legislature, and two or three, or more copies, are sent to each school committee. Thus, all the statistics of the schools, and the most valuable part of the committees reports, are sent back to every town: and each town has not only a permanent record of the state and condition of its own schools, but all the suggestions for improvements, and the results of the experience of three hundred other towns. It is light brought to a focus, and thrown upon a glass that multiplies three hundred times.

In addition to the above, the board, from its general knowledge and supervision of the school, becomes master of a great number of facts; it keeps an open eye in regard to all improvements, whether at home or in other states or counties, and makes an annual report respecting whatever may conduce to the welfare of the schools, to the legislature; provision is permanently made for printing 5,000 copies of these reports, one of which is given to every member of the executive and legislative branches, and a copy sent to every school committee and to every school district.

We have three Normal schools for the qualification of teachers, one of which, has been in operation more than five years. No person who has witnessed the effect of these schools, can, for a

moment, doubt their expediency, and even necessity, as a part of our school system. Were the Normal schools to be abolished, the momentum of improvement with which our system is now advancing, would be lost, and in many towns, the schools would retrograde. The Normal schools have had two classes of opponents—those who judge the expense, and the old stand-still teachers, who feel themselves to be like an old water-logged ship, by which a trim new vessel is sailing. But the clamor of opposition is fast losing itself in the general voice of commendation.

In all our large towns, high schools are kept at the public expense, in which, any boy, however poor, may qualify himself for some department of educated labor, or may fit himself for College.

I am aware, dear sir, that this is a very meagre and imperfect account of our school system. To understand it, and especially to understand what has been doing, and is now doing for it, one should read our laws and the reports of the Board of Education. I am sorry I cannot furnish you with these. The laws are scattered up and down over the general body of the statutes, and many of the reports are out of print. All, however, may be had, as published in the Commonwealth School Journal, which is a depository of our principal documents and statistics on the subject.

I send you herewith, two volumes of abstracts, and a copy of an excellent work, entitled, "The School and the Schoolmaster."

I remain, with great regard,

Very truly yours, &c.

HORACE MANN.

TOPOGRAPHICAL ENGINEER'S REPORT.

Copy of a letter from J. H. Tracy, Topographical Engineer, together with a report accompanying said letter.

JACKSON, MI., April 17th, 1844.

His Excellency, ALBERT G. BROWN,

Governor of Mississippi.

SIR—I have the honor herewith to transmit to your Excellency, for communication to the honorable Legislature at their next ses-

sion, my report of a survey of the left bank of the Mississippi river, in the county of Adams, from Ellis' Cliffs to the mouth of Buffalo bayou, made in obedience to the 9th section of an act, approved February 26th, 1842, entitled an act accepting certain provisions of an act of Congress, entitled an act to appropriate the proceeds of the sales of the public lands, and to grant pre-emption rights, approved September 4, 1841.

With great respect, I have the honor to be,

Your Excellency's most ob't servant,

J. H. TRACY,

Topographical Enginneer.

To the Honorable,

The Legislature of the State of Mississippi:

The undersigned, Topographical Engineer, begs leave to report to your honorable body, that since the date of his last report, rendered 1st January, 1844, he has completed the then remaining portion of the survey which the law required him to make, to-wit; that portion of the left bank of the Mississippi river, lying between Ellis' Cliffs and the mouth of Buffalo bayou. He has also made the necessary calculations to determine the solid extent of a levee to elevate said bank above high water mark, and an estimate of the cost of the same.

The distance from Ellis' Cliffs to the mouth of the Homochitto, is found to be 25.03 miles, from the mouth of Homochitto to the mouth of Buffalo bayou 6.93 miles. Total distance from the mouth of Ellis' Cliffs to the mouth of Buffalo, 31.96 miles. Of this distance, 9.09 miles is already leveed. The difference, 22.87 miles, is the length of the required levee.

The fall of the surface of the river, from the upper to the lower extremity of the required levee, is 3.32 feet. Fall from the mouth of the Homochitto to the mouth of the Buffalo, 1.01 feet, showing a fall, nearly uniform, of 1¾ inches per mile.

These results demonstrate that all lands overflowed not exceeding one foot, by the united high waters of the Homochitto and Mississippi, may be reclaimed immediately, by a continuation of the levee from Ellis' Cliffs along the bank of the Mississippi across the present mouth of the Homochitto to the mouth of Buffalo, and diverting the Homochitto into the Buffalo by cutting a canal, uniting these two streams near the *debouche* of the Homochitto

into "Old River," where they approach each other within a few hundred yards.

The deposite from the water of the Mississippi, at every high flood, from across the mouth of the Homochitto, forms a bar, which is swept away when the high waters of the former stream subside, so as to produce a current down the channel of the latter. This bar would remain permanent, were the water of the Homochitto conducted into the Mississippi through the channel of Buffalo.

The following estimate is made for a levee two feet higher than the flood of 1843, and 47-100 of a foot higher than that of 1828 The base is calculated three times the altitude, the sides forming at the top a solid angle of 96° 22'.

Estimate of the cost of erecting a levee on the left bank of the Mississippi river, from a point on said bank, 9,09 miles below the foot of Ellis' Cliffs, to the mouth of Buffalo bayou, a distance of 22.87 miles:

32,446 17 cubic yards of embankment, at 6 cents per cubid yard,	$1,946 77
Clearing and grubbing, average $30 00 per mile,	686 10
Culverts,	300 00
Superintendence,	500 00
Contingencies,	167 13
Total,	$3,600 00

All of which is respectfully submitted,

J. H. TRACY,
Topographical Engineer.

Jackson, Mi., April 17, 1844.

CORRESPONDENCE ON THE SUBJECT OF INTERNAL IMPROVEMENT.

—

EXECUTIVE CHAMBER, City of Jackson,
29th September, 1845.

His Excellency, GEO. CRAWFORD,
Milledgeville, Georgia:

DEAR SIR,—The subject of internal improvement will be presented to the consideration of the Legislature of Mississippi at its next session, with a view to a proper understanding then of the subject.

I respectfully request answers to the following questions:

Did the State of Georgia ever undertake to carry on her works of internal improvement with negro laborers, purchased for that purpose?

If so, was it found on trial to be a better plan than to hire the labor, or to let the work to contractors?

If the plan failed, please state to me the prominent reasons why it failed.

You will oblige me by furnishing me with all the information in your possession on the subject, derived from the past experience of your State.

Very respectfully, your ob't serv't,

A. G. BROWN.

—

Copy of a letter from George W. Crawford, Governor of the State of Georgia, in relation to the rail roads in said State, &c.

EXECUTIVE DEPARTMENT,
Milledgeville, Oct. 16th, 1845.

SIR—In answer to the enquiries of yours of the 29th ult., I have to state, that Georgia never employed slave labor on the State road, as the plan she adopted was to divide the site of her road into sections, and let them to the lowest bidders. From information and a limited observation, I am of opinion that the work was performed mainly by free labor.

As desired, I beg leave to refer you to the President of the Central Rail Road, R. R. Cuyler, Esq., of Savannah, and the President of the Georgia Rail Road, John P. King, Esq., of Augusta

as persons capable, and doubtless willing, to communicate all information on the subject of your enquiries. I am under the impression that the Georgia Rail Road Company have invested about forty thousand dollars in slaves, who are employed in their service, but with what profit, I am unable to speak.

In the commencement and progress of a rail way, I may say that the experience of this State, proves that a selection of a civil engineer should be made in reference to his practical as well as theoretical skill—the former being indispensably necessary. The location should be finally made after a free examination of the impediments that might be interposed as to the right of way, and only cash contracts be entered into, and they made in reference to the disposable labor of the country, and its means of convenient support. Too much haste, so peculiar to the southern climate, will eventually prove baneful to all parties concerned. I have, as requested, ventured these observations with that diffidence which usually accompanies limited information upon the subject discussed. Your Excellency will therefore accept them with this limitation. You will permit me to add, that with the improved knowledge on the subject of rail roads at this day, this species of internal improvement may be constructed at an expense one fourth less than it would have cost five years ago; and it should not be overlooked, that whilst the outlay has been decreased, thereby inviting new schemes, the first, and expensive works, have risen in public confidence by an increase of profits, and consequently an enhancement of their stocks. The improved modes of applying steam, which has been progressive, has, in some degree, wrought this safety to the old works of internal improvement.

I shall be happy to learn that Mississippi has commenced the work by which her citizens will find access easy to an Atlantic port, whilst the intermediate States will feel it to be a duty to give them safe passport and ample protection.

I have the honor to be,

Very respectfully, your ob't serv't,

GEO. W. CRAWFORD.

His Excellency, A. G. Brown, Jackson, Mi.

CENTRAL RAIL ROAD CO.,
Savannah, Nov. 11, 1845.

SIR—Your letter of the 27th ult., came to my hands to-day, on my return from the seat of government, after a weeks absence.

The operations of this company, except so far as they relate to *repairs of roads*, have been, from the beginning, carried on by white labor. We do not own any slaves, and hire only a few, not exceeding ten, stationed at our main depots. The repairs of road are conducted by contract. The road (190 miles in length) is divided into four sections. Each section is placed under a contractor, who binds himself to give his personal services constantly on his section, and to place on it as many gangs of laborers as the chief engineer shall indicate. By the contract, a gang consists of four able-bodied negro men, a white overseer, and a negro woman cook; and so much money is paid, monthly, to each contractor, per gang; the hire, food, clothing, &c., furnished by the contractor. If any time of any hand is lost, the contractor is bound to pay back in equal labor for such lost time. We find this plan to work well in practice, after three years experience.

In the beginning of our road construction, the company, under the advice of its engineer, undertook to hire laborers, and to work them under overseers; in other words, to build on company's account, and not by contract. We commenced with about one thousand Irish laborers, and in the course of two or three months, it was manifest that the plan adopted would soon bring the company to ruin. The waste of fuel, the turbulence and general confusion were fearful. The company promp[illegible] broke up the system, discharged the engineer, and put the co[illegible]struction of its road out upon contract awarded upon competition. I would never undertake to build a road on any other than the contract plan. This is the conviction of every person connected with this company. In the first plan, we saw nothing but ruin; in the second, we found complete success. Our contractors were good men, were sustained by liberal aid of the company in all times of need—carefully nursed, and not held by too tight a rein, and [illegible]r gave no trouble. But one failed to do his work, and in his case, the usually retained per centage of 20 per cent, saved us from loss. Many of the contractors worked negroes alone. Others worked Irish laborers. A few large contractors owned their laborers—these were generally successful. Whilst, in my opinion, a company should not purchase

negroes to build its road, I think a contractor, experienced in road construction, and also experienced in the management of negroes, would make more in the southern country by doing his work with negroes, owned or hired, than with whites. A company can never save, or make, what a good contractor can.

By the contract plan, with a good engineer, the cost of constructing a road is reduced to a certainty; by any other plan, it is impossible to say what will be the expenditure.

I beg to send you the two last reports of this company, mailed at the same time with this, and to say that it will give me pleasure at any time to afford such information as may be in my power.

I have the honor to be, your ob't serv't,

R. R. CUYLER.

His Excellency, A. G. Brown, Gov., &c.

EXECUTIVE CHAMBER,
City of Jackson, Ms., 24th Oct., 1845.

Hon. JOHN P. KING,

President Georgia Rail Road, Augusta, Ga.:

SIR—Having been referred to you as a person who could probably give me the desired information, you will pardon me, I trust, for so far trespassing on your attention, as to request answers to the following interrogatories:

1st. Has the company, of which you are president, ever undertaken to prosecute its work by negro laborers, purchased by the company for that purpose? If so, has it proven a less expensive mode of conducting such works, than to *hire* labor, either white or black?

2d. What has been the result of your experience as to the practicability of grading railways entirely, or almost entirely, by negro labor?

Would you advise it as a better plan, all things considered, than to let the work to contractors?

Any information which you may be able to give on this, or any other points calculated to facilitate the great work of making a railroad from the Mississippi river to the Atlantic, (for it is in reference to this work that these enquiries are made,) will be gratefully acknowledged by your obedient servant,

A. G. BROWN.

One bearing same date and purport, was sent to R. R. Cuyler, Esq., Savannah, Ga.

His Excellency, A. G. Brown.

Sir—It is with much pleasure I acknowledge the receipt of your of the 27th ult., and will answer the enquiries contained in it.

1st. The company over which I [illegible] part of its work with its own hands. [illegible] hands for shop work and repairs, [illegible] greater expertness and efficiency, from long experience, and from the ability at all times to control such hands.

2d. Many of the largest contractors in the country, [illegible] *purchased* hands, (instead of hiring them) for the execution of their contracts, and uniformly profited by doing so. They could, with *certainty*, calculate on their services, and were the better able to execute their contracts with punctuality, and they were enabled, when done, to sell at cost, or a profit. It will be observed, however, that there is a risk of loss while there is a chance of gain, by depreciation or advance in price; and the economy of purchasing hands for grading, instead of letting to contractors, will depend on many circumstances connected with the work to be done. If the road be located through a populous and wealthy country, where the planters are anxious to lease a portion of their labor, and consume their own surplus provisions—they *can afford*, and often by a spirited *will*, do work lower, than it could be done in any other way. *And if means be plenty, and despatch be desirable, a letting* to contractors, with full notice and fair competion, may generally be safely recommended.

On the other hand, if the means be limited, there is no other mode in which so much work could be done for a given amount of money, as by the purchase of hands and the employment of competent and experienced persons, which may be easily procured. Black labor is fully competent, under white superintendence, to finish the road bed complete, and negroes are fully competent to the heavy labor of the superstructure.

Should negroes be purchased to grade and build a road, a competent number of them might be retained to advantage, and repair the road after completion. They become accustomed to road labor, and are more efficient than hands usually collected on hire for a short period. I know not that these suggestions will serve for any valuable purposes, but such as they are, they are with much pleasure, at your service.

[illegible] in the [illegible] as public [illegible] with [illegible] and in the [illegible] in the Union. It [illegible] united with a [illegible] the extension of [illegible] east of this point, [illegible] of the last re-

[illegible] G. P. KING,

[illegible] SSIONER.

[illegible] with a view [illegible] report of the [illegible] of 1844, [illegible] other pur-

[illegible] of the act to [illegible] approved [illegible] demands de-[illegible] the property of [illegible] the same bonds ex-[illegible] for by her, [illegible] the Auditor [illegible] the Planters' [illegible] the Sinking

[illegible] to appoint [illegible] management [illegible] Commissioners of the [illegible] under the charge of a single agent of the

State, styled a "State Commissioner," which said agent was invested with the management and collection of said fund, authorising, empowering and requiring him to call upon all and every agent or agents, commissioner or commissioners, attorney or attornies, or other person or persons now or heretofore having had the management or control of said fund, (as also with the other funds placed under his charge,) for a settlement, and the proceeds and vouchers of said funds in their hands.

That, invested with the authority created, and the duties imposed upon him, by the act above cited, the State Commissioner, very shortly after his appointment to office, proceeded to Natchez and demanded of the late Commissioners there, the delivery of the fund as contemplated by the above act, which they—viz: John P. Walworth President, and Henry D. Mandeville Cashier, of the Planters' Bank—they being a majority—refused to delive up—(the Auditor of Public Accounts being at all times ready and anxious to deliver up the same)—they assigning as their reason for the refusal, that they had no authority of law as Commissioners to surrender the fund and assets, and therefore declined making the surrender demanded. The only alternative left was then adopted, viz: that of compelling them by course of law to deliver up the fund.

This refusal of the late Commissioners to deliver up the fund, of course left me only the power to do all that I could towards its collection, by the arrest and demand of the assets of the fund wheresoever I could find them, and to adopt such other measures towards the protection and collection of the same, as I could, impeded and obstructed as I was at every step, by their refusal to deliver up the same.

It was not (owing to the slow and tedious process of a chancery suit,) until July last, (1845,) that a decree was obtained, and the fund delivered up to me.

I have in my possession a descriptive list of the promissory notes unpaid, belonging to the fund, prepared by a commissioner in chancery, (who took an account between the parties,) from the exhibit to the answer of the late Commissioners, and from the books of the Planters' Bank, and filed in the papers and made a part of the record in the suit above mentioned, instituted by me as State Commissioner against the late Commissioners.

The books of the State Commissioner will exhibit such amounts

as have been received by me on these claims, and from whom received.

Judgments have been rendered on all these notes, with the exception of the few delivered to me by the late Commissioners, and a few on which suit is now pending.

Death, removals from the State, and the revolution in the pecuniary affairs of many, together with conveyances under many of the judgments, are weak, if they are not desperate.

I would very respectfully suggest to the Legislature for its consideration, the propriety of giving to the State Commissioner the power by and with the advice and concurrence—say of the Governor and Attorney General—of making compromises in cases where he and they should deem it the interest and policy of the state so to do. Unless some such policy be adopted, I hardly think the state will realize anything from many of these judgments.

The high rate of interest (10 per cent.) which the notes bear, together with the great length of time which has elapsed since they were executed, causes a debt which was at first comparatively small, to assume now a fearful magnitude; and the debtor, who would probably willingly liquidate the original loan, will resist and avoid in every way, the payment of a debt which has probably doubled itself.

Were this power coupled with an amendment to the provision of the act appointing a State Commissioner, authorizing him to employ counsel, giving him greater latitude, I think that by one or the other of these means, many a debt might be saved, or partially saved, which would otherwise be lost.

In suggesting the above, I of course, in the case of compromises, speak of such cases only where nothing could be made by law, yet the parties be willing to pay a portion of the debt, to be released from the judgment; and in the case of amendment to the provision authorising the employment of counsel, to give adequate compensation, so that conveyances might be set aside; and also, claims prosecuted against parties who may have left the state, and a portion of the debt realized, where else all would be lost.

Had the state priority over all other creditors, then probably her debts might be secured without recourse to either of the expedients above suggested, but as she stands on an equality with other creditors, I should deem it bad policy not to adopt measures which are adopted by others, and where she cannot get the whole, obtain

at least a part. Of course, the above powers would be exercised only in cases where absolutely necessary.

I would remark in conclusion on this head, that with regard to the power of making compromises, were I to consult my own feelings, I should prefer that no such power should be vested in the State Commissioner; but I think that it would be for the interest of the state, that some such policy should be adopted.

The total amount paid into the treasury on account of the sinking fund, is eighty-four thousand four hundred and ninety-three dollars and fifty-four and one-third cents,—made up as follows, viz:

Paid in, in the year 1841, as exhibited by the books of the Auditor,	$2,385 24
Paid in, in the year 1842, as exhibited by the books of the Auditor,	750 00
Paid in, by James R. Young, State Commissioner,	$81,358 30⅓
Total amount paid in,	$84,493 54⅓

Of the above amounts of $81,358 30⅓ paid by me into the treasury, $45,323 22⅓ was on account of the amounts received by me from the late Commissioners. I say on account, as the total amount received by me from them was $45,523 22⅓, being two hundred dollars more than the amount paid into the treasury. This deficiency arises from the fact of a warrant for that amount ($200) having been refused to be received from me by the Treasurer;—a warrant similar to it in all respects, having been previously paid in. The Auditor endorsed, and still pronounces the rejected warrant the genuine one, and the one paid in the fraud. This warrant now remains in my hands, subject to the action of the legislature.

The amount paid into the treasury on account of this fund, up to this date, I confidently anticipated would have amounted to ninety odd thousand dollars; and it would have done so, had not process issued to the late fall term of the courts been bonded; but the money will, I am confident, be made, and the only difference will be the delay.

Besides the amount above stated, paid into the treasury on account of the sinking fund, there is also belonging to the fund about twenty-two thousand acres of land purchased in, in behalf of the fund, where nothing else could be obtained. About twenty-five hundred acres of this amount was purchased in by the late Commis-

sioners, and the residue by myself. These lands are, some of them, very valuable.

I would state in conclusion, that Robert Hughes, Esq., in whose hands the late Commissioners placed several of the notes due the fund, for collection, acknowledges to have received the money on one of them, but refuses to pay over the same until fees due him, as he states, by the Planters' Bank, are first paid.

There is also in the hands of H. D. Mandeville, jr., the attorney employed by the late Commissioners, several thousand dollars. I was unable to see Mr. Mandeville when in Natchez, he being absent from that city. I then addressed a communication to him in writing. I have received a letter from him within the last few days, in which he states that I shall hear from him shortly.

TOWN LOT FUND—SALES OF 1833 AND 1834.

This fund I found in a state of almost irretrievable confusion. The auditor's books scarcely throw any light upon the subject. The auditors, Mallory and Saunders, would receive money from attorneys, in whose hands the notes taken at the above sales had been placed by the former for collection, and others, and without, in the vast majority of cases, indicating on account of what notes it was paid or even from whom received, and frequently after receiving it from different sources would pay it into the treasury wording the receipt warrant simply Jno. H. Mallory, or A. B. Saunders, (as the case might be) on account of town lots, and leaving it a perfect mystery, not only on account of what notes or from the money was paid, but even from whom received.

The only alternative then left was to examine the records and call upon the various attorneys to whom the notes had been given for collection for their vouchers for payments, &c. With these preliminary remarks, I will proceed to state—

The total amount of sales of lots in the city of Natchez for the years 1833 and 1834, as shown by the records of sales, amounted to the sum of $93,531 50

[illegible] notes were executed.

[illegible] have the following receipts of [illegible] notes placed in their hands [illegible] Mallory, auditor, viz—

Mayson & Sholton, [illegible]
Planters Bank, [illegible]
Dunlap & Hughes, [illegible]
Patton & Collins, [illegible]
Thos. F. Collins, [illegible]
do [illegible]
do [illegible]
Jno. N. Drake, [illegible]
Thos. J. Coffee, [illegible]
H. G. Runnels, [illegible]
D. Greenleaf, [illegible]

amounting to the sum of [illegible]
fifty-seven dollars and [illegible]
deficiency between the [illegible]
five thousand eight hundred [illegible]
four and one-third cents for, [illegible]

Of the above notes placed [illegible]
and Sholton for collection, [illegible]
counted for, after deducting [illegible]
three thousand seven hundred [illegible]
to the amount of six hundred [illegible]

At the request of Mr. Sholton [illegible]
this report the letter from him [illegible]

Of the notes receipted for by [illegible]
were given to the Bank as collateral [illegible]
000. 00 drawn by H. G. Runnels [illegible]
the bank for the use of the state [illegible]
was to proceed to the collection [illegible]
Under this arrangement notes of the [illegible]
614 83 were placed by the bank [illegible]
for collection. The note [illegible]
the state was paid at its maturity [illegible]
notes placed as above as collateral [illegible]
property of the state. On examining [illegible]
money collected on the notes placed as [illegible]
Huston had been received by [illegible]
cover no evidence of [illegible]
Judge Hughes states that these [illegible]

ten—that Hughes died soon thereafter, and at the request of his brother, Felix Hughes, he attended to the suits—and the money collected in whole or in part, and by him sent to Huston and Ross, who were then the attorneys. The amount received by Judge Hughes, on account of the above notes, after deducting commissions, is nine hundred dollars. I felt compelled to institute proceedings against Judge Hughes at the last term of the Hinds Circuit Court, and which are yet undetermined.

Of the notes received by Dunlap and Hughes, the amounts as exhibited by the dockets as received by them, minus commissions, has been paid. There are several suits instituted on these notes discontinued or dismissed as exhibited by the records of the court. Judge Hughes in his report to me stated some of these cases as dismissed or discontinued, because the parties could not be found, and others as dismissed by order of the auditor of public accounts. There is one note for $100 for which they are responsible, it having been withdrawn by Judge Hughes in 1848 as per his endorsement on the declaration after the suit had been dismissed in 1835, because process could not be executed.

Of the notes recorded by Patton and Collins, and Thos. F. Collins, there is amount received, as exhibited by the dockets, and not accounted for over seven hundred dollars; also between five and six hundred dollars not paid over by the sheriff.

The clerk's docket of the Circuit Court of Hinds county, also, in addition to the above, shows a judgement for $346 62 rendered on two of the notes received by Mr. Collins as above, as "satisfied." The papers in the case and docket show execution on bond in the case stayed by Mr. Collins and no further proceedings taken. Mr. Collins says that the money was not received by him.

It will be perceived by the subjoined letter from Mr. Collins, that he has paid to me the amount of the above mentioned deficiency ($739 23) with the request that I will not pay it into the treasury until the adjournment of the present legislature, in the hope that some action may be taken by it on the subject. The following is his letter:

JACKSON, January 3, 1846.

J. R. Young, Esq., State Commissioner.

DEAR SIR: By your contemplated report to the legislature on the subject of the town lot notes, there appears a balance of

$730 23 against me on account of the notes placed in my hands for collection by auditor Mallory, and also those given by him to myself and Patton. I therefore deposite in your hands the sum of $730 23 which I wish you to hold subject to the action of the approaching legislature thereon.

I feel confident that I paid over to the proper authorities every dollar of money that was collected on account of said notes as the same was collected, but from the deranged state of my papers, receipts, &c. occasioned by my late removals, and the great lapse of time since the transactions commenced, I am unable to find all the evidences of payment on that subject which I confidently believe I once had.

With regard to the judgment of $346 62 which is marked "satisfied" on the docket, there certainly must be a mistake. I paid to the sheriff $34 81 cost in that case, as appears by a receipt which I gave to you. The entry of satisfaction on the docket is certainly error—it should have been marked satisfied for cost only. I am certain the money was never paid to me.

Respectfully, your ob't serv't,

THO. F. COLLINS.

—

Of the notes received by Jno. N. Drake, the money collected on them was received by Jno. H. Mallory, auditor, with the exception of over one thousand dollars, which was not paid over by the sheriff, and near six hundred dollars received by V. E. Howard, Esq. Mr. Howard appears to have prosecuted these suits for or in conjunction with Mr. Drake. On my application to him he stated that he had retained this money for professional services rendered the state, and requested that I should await the meeting of the legislature for him to submit his claim for their action.

On account of the notes placed in the hands of Thos. J. Coffee, there was paid to auditor Mallory, as exhibited by the books of the auditor, $2,929 50. Judge Nicholson, who brought these suits in conjunction with Mr. Coffee, stated to me previous to his death, that all monies collected on these notes had been paid over to auditor Mallory—that a statement which he had prepared, exhibiting an abstract of each case, showing the parties, amount of judgment and interest, and then a receipt appended to the aggregate from auditor Mallory had been destroyed by fire when his dwelling house was burned in 1839. This receipt was, I presume, for the

above amount exhibited as paid. Two of the notes I can discover no evidence of having been sued on, and the money made on one other of them does not appear, by the sheriff's docket, to have been paid over.

On the receipt of Mr. Coffee for these notes is the following endorsement by Jno. H. Mallory: "The money on the within has been paid." The above reasons justify me, I think, in regarding all monies collected on these notes as having been received by Mallory.

The note for two hundred dollars, receipted for by Gov. Runnels, appears to have been paid in payment for lumber in building the state house. And on the receipt for the note received by D. Greenleaf, is the the certificate of Jno. H. Mallory, auditor, that the money had been paid thereon.

Of the notes to the amount of $5,873 84⅓, for which I can find no receipts, I can trace but two of them, viz: one sued upon by Dunlap and Hughes, and suit dismissed, as reported to me by Judge Hughes, by order of the auditor of public accounts; (Mallory); and one sued upon by Nicholson and Coffee, and plaintiffs money (over $300) received by Nicholson.

The first case speaks for itself—the other case not having been discovered by me until subsequent to the decease of Judge Nicholson, I could obtain no information from him on the subject. The judgment was satisfied previous to the payment, as above stated, on account of the notes received by Thos. J. Coffee, and may have been included in that amount. From the statement of Judge Nicholson to me, above referred to, that "every cent that was collected was paid over," I have no doubt of its having been paid. I regard the total ($5873 84⅓;) as having been received by Mallory.

For the notes returned "*nulla bona*" and others, there will be realized to the State, I think, about ten thousand dollars. I made out statements of the cases, and handed them to the Attorney General in October 1844, to file bills in Chancery for the sale of the lots.

TOWN LOT FUND—SALES OF 1838.

The sales of lots in the city of Jackson for the year 1838, as exhibited by the book of sales, amount to the sum of $178,801 00, and for which notes were executed.

Of this amount, there was placed in the Mississippi Union bank for discount, by A. G. McNutt, Governor, in pursuance of law, $25,106 52.

There were of notes not given out by the Auditor, $1636 66⅔, and the residue of the notes, amounting to the sum of $152,057 81⅓, were placed by A. B. Saunders, Auditor, in the hands of George Work, for collection.

There has been paid on account of this fund as follows:

By A. G. McNutt, Governor, on account of the notes received by him as above, and discounted in the Union bank, the sum of : : :	$23,473 18
On account of the notes not given out by the Auditor, there has been paid : : :	1702 92
On account of the notes received by George Work, there has been received, as exhibited by the books of the Auditor, and State Commissioner,	35,721 29
Also settled through the Auditor's office by claims against the State, as exhibited by the Auditor's books, : : : : :	2429 61

George Work, Esq., acknowledges to hold in his hands over six thousand dollars, and a few of the notes received by him as above, and which money, or rather the amount thereof which I claim as the property of the State, and notes he refuses to deliver up until, as he says, his just claims are paid. I could effect no settlement with Major Work, and was compelled to institute proceedings against him at the last term of the Hinds Circuit court, and which are yet undetermined.

When the State shall have obtained the amount claimed as due her, now in the hands of Major Work, and which can be realized for the notes, when obtained, now in his hands, several only of which I regard as good, and for the few cases yet pending in the Chancery court, which will be small, she will have realized all she ever will for the above notes.

The contracts for some of the above notes were rescinded by the Auditor of Public Accounts, as authorized by the act of 1841; and in the majority of the others, the lots were sold under decrees from the Superior Court of Chancery, and at greatly reduced prics.

The amount paid into the treasury on account of town lots by other persons, as exhibited by the	

books of the Auditor, is, : :	$90,524 53½
Paid in by James R. Young, State commissioner,	
on account of the sales of 1838, : :	20,860 60
" " " " 1833, :	399 26
	$21,259 86
Amounting in the aggregate to the sum of	$111,784 39½
To which amount, if we add the amount realized from the sale made by the Treasurer and Auditor, in July 1844, in accordance with the act of the Legislature, entitled "an act to assist in liquidating Auditor's warrants, by sale of the lots in the city of Jackson, : : : : :	10,533 00
We have total amount paid into the treasury on account of town lots, : : :	$122,317 39½

In conclusion, I would state, that I received from the Agricultural bank at Natchez, on account of final dividend on the stock of the State, in the "bank of the State of Mississippi," three hundred dollars. Also for the same on account of final dividend on stock, "baak of the State of Mississippi;" use of the literary fund, two hundred and ninety-one dollars.

I have also received on account of the literary fund fifty-five dollars.

I shall be glad to exhibit to your Excellency, or to a committee of the Legislature, appointed for the purpose of inspecting them, all the books, notes, accounts, vouchers and other papers in my office, and to give such further information as may be in my power, touching the condition of any part or all the business in my hands. I have not undertaken to give the present situation of each note or claim belonging to either of the above funds, for the reason that such a statement would extend this report to an unreasonable length.

All of which is respectfully submitted by your

Very obedient servant,

JAMES R. N. YOUNG,

State Commissioner.

January 1, 1846.

There is now, as I have lately understood, about $4000 00 in the hands of the Sheriffs, collected on account of the sinking fund.

This money when paid into the treasury, which will be shortly, (as soon as it can be collected by me,) will swell the amount on account of this fund, to near $90,000 00.

[A]

JACKSON, Dec. 19, 1845.

J. R. N. Young, Esq :

DEAR SIR: Below I hand you statements of the accounts between myself and the State of Mississippi. The first, A shows the cash balances between the State and myself, showing that I have collected in the name of the State more than I have paid into the treasury, $3876 00.

This statement is made from vouchers now in my possession.

The second, B, is the amount for which the State is my debtor, for personal services rendered in and about these collections. The money was collected for the State under its statutes, in paper worth but little, and which I was not willing to receive in payment of my fees. The balance, 3876 00, I still have on hand in the depreciated paper. I have always been ready and willing to pay it over on payment by the State, of the fees due me. I claim a lien on it until those fees are paid me.

Respectfully,

D. SHELTON.

[A.]

D. Shelton to the State of Mississippi		*Dr.*
To amount of notes received by me (except two notes otherwise settled for $4430 00,)		$43,488 17
Interest on notes collected and paid,		5,510 63
		$48,998 80
	Cr.	
By amount received by Mallory,	$5,068 93	
" " " Saunders,	17,770 18	
" " " Treasurer,	14,389 37	
Notes not collected,	7,484 99	
Amount paid sheriff for costs v. 12 $100 53—v. 13 $30 75,	131 28	
Amount paid sheriff for costs, v, 6		

$266 08. Paid for affidvits $11 00,	277 08	
		45,121 83
		$3,876 97

[B.]

State of Mississippi to D. Shelton.	Dr.
To five per cent, commissions on $48,998 80,	$2,449 95
To fee in Craft et al paid Gov. of State, say	125 00
To 5 pr. ct. commissions on $5,305 00 at 5 pr. ct.,	265 25
To fee for extra services in Gov. vs. Gilbert and Dawson,	100 00
	2,940 20

ATTORNEY GENERAL'S REPORT.

EXECUTIVE CHAMBER, 1st December, 1854.

Hon. John D. Freeman, Attorney General:

SIR: You will oblige me by informing me, on the 1st of January, 1846—

1st. What is the condition of the Judgment on the late Treasurer's (Graves) bond, and what is the probable chance of collecting the money on it?

2d. What is the condition of the quo warranto proceeding against the Planter's Bank, and the suit against the Mississippi Railroad Company?

3d. The reasons why it was deemed better to proceed against the Planters' Bank by quo warranto, than by Bill in Chancery under the Act of 1844?

4th. What is the condition of the case of the State *vs.* Horace Pagaud?

The information will be used in my Message to the Legislature. You will oblige me by being prompt and accurate.

Very respectfully your obedient serv't,

A. G. BROWN.

OFFICE OF THE ATTORNEY-GENERAL,
Jackson, Dec. 29, 1845.

SIR: Your communication of December 1st, was received. You request me to give you information on the 1st day of January, 1846, with regard to the following matters:

1st. "What is the condition of the Judgment on the late Treasurer's (Graves) Bond, and what is the probable chance of collecting the money on it."

Suit was brought by me, in the Carroll Circuit Court, against the securities of R. S. Graves on his Treasurer's Bond, being ten in number. I was compelled to send to Washington City for the deposition of several of the officers of the United States, which delayed the progress of the State, until October, A. D. 1845, when final judgment was obtained against eight of the sureties for the sum of $51,865 47, being the amount of the Treasurer's defalcation with interest thereon, up to the date of the judgment. Pending the suit, two of the sureties, Thos. Hogg and William Peery, died; and the suit was therefore abated as to them, and the District Attorney directed to bring suit against their administrators as soon as the law would permit.

By reference to the certificates of James Bond, Thomas Heslip, Franklin E. Plummer and Edward Johnson, then sheriff of Choctaw county, where all the sureties but one resided, it will be seen that the sureties were then out of debt, and their property estimated as follows:

E. Graves,	$30,000
James Bond,	20,000
John Middleton,	15,000
Valentine Harman,	10,000
Edward Williams,	20,000
Thomas Hogg,	20,000
William Peery,	15,000
H. P. Barnes,	8,000
R. W. Graves,	40,000
Maban Barefield not estimated.	
Total	$178,000

The certificates were relied on by Gov. McNutt when he approved the bond. Since the judgment has been obtained, I have heard it said by persons residing in the neighborhood of the sureties, that the money could not be made out of them. What pro-

gress the Sheriff has made with the execution, I am not at present advised, as I relied on the District Attorney to have the same issued and levied forthwith. I am informed that R. W. Graves has sold his plantation in Yazoo county, and moved with his slaves to Louisiana. I would therefore recommend that a special attorney be employed to prosecute him in that State.

2nd and 3d. "What is the condition of the quo warranto proceeding against the Planter's Bank and the Mississippi Railroad Company, and the reasons why it was deemed better to proceed against those banks by quo warranto, than by Bill in Chancery, under the Act of 1844."

The quo warranto statute was passed by the Legislature of 1843, and an information in the nature of quo warranto was pending in the Circuit Court of Adams county, against the Planters' Bank at the time the Statute of 1844, relative to that Bank was passed. The Legislature were aware of this fact, as will be seen by reference to section 19 of the Act of 1844, page 145, where they propose to release the banks from the operation of the quo warranto statute of 1843, upon the condition that they voluntarily surrender their corporate franchises to the State, on the conditions set forth in the second section of said Act. The Planters' Bank refused to surrender, but contended that the law of 1844 repealed the law of 1843 as to that bank, and moved the Circuit Court to dismiss the information on that ground. The Court decided that the law of 1844 did not repeal the law of 1843, and that the information must proceed, as that Court had first taken jurisdiction of the law. This decision of the Circuit Court put it out of my power to file a bill in Chancery against the bank, under the Act of 1844. Upon the familiar principle of law, that where two courts have concurrent jurisdiction of the same matter, the court which first takes jurisdiction, retains it. The power of the Circuit Court to wind up the affairs of the bank were as plenary as those of the Chancery Court, and had the two proceedings been carried on, it would have presented the singular aspect of a Court of Law and a Court of Chancery, both contending for the possession of the assets of the Bank.

On the trial of the information against the Planters' Bank, I assisted the District Attorney in behalf of the State. We obtained a judgment of forfeiture against the Bank, from which an appeal

was taken, and the case is now before the High Court of Errors and Appeals for adjudication.

With regard to the Mississippi Railroad Company, I filed a bill in Chancery under the law of 1844, and all the property of the company, save the slaves and town lots, is now in the hands of receivers appointed by the Chancellor, to take charge of the same. The slaves are in the hands of a trustee appointed by the bank, to hold them for the benefit of certain creditors of the bank. Whether the Chancellor will take possession of them also, regardless of the deed of trust made by the company, remains to be determined.

4th. "What is the condition of the case of the State vs. Horace Pagaud."

At your request I appeared in the prosecution of Pagaud in the Circuit Court of Warren county, and succeeded in convicting him on three indictments of the crime of forging warrants of the Auditor on the State Treasurer. He was sentenced to ten years imprisonment in the Penitenitentiary in each case, that being the least punishment that could be inflicted for this crime. His counsel obtained writs of error to the late December term of the High Court of Errors and Appeals, where all the cases were recently argued, and the Court granted him new trials in each case, on the ground that the Circuit Court excluded circumstantial evidence, to which the prisoner was legally entitled. The evidence excluded might have gone to the jury without changing the result. I entertain no doubt of his ultimate conviction.

Hoping that the foregoing information will prove satisfactory to your Excellency, I am, with great respect,

Your obedient servant,

JOHN D. FREEMAN.

To His Excellency, A. G. Brown, Governor, &c.

CORRESPONDENCE ON THE SUBJECT OF THE PENITENTIARY.

Executive Chamber,
City of Jackson, Mi., July 31, 1845.

Dear Sir: I respectfully request answers to the following questions:—

1st. How is the convict labor in your Penitentiary employed? Does it engage in manufacturing cotton or woolen goods, or is it employed in the ordinary mechanic arts?

2nd. If the convicts have been employed in manufacturing, please state what articles have been manufactured, and how does such a system of labor compare with the ordinary mechanic labor as to profits. Will a given number of hands realize a greater amount of profit from their labor in the manufacturing business, or in the mechanic pursuits?

3d. Do you rent or lease your Penitentiary?

If yes, please send me a copy of the law under which it is rented or leased, and state to me what is your opinion of this plan, compared with the other systems of working the convicts, under officers employed by the state.

An early answer is respectfully requested.

Yours, &c., &c.,

A. G. BROWN.

One copy of the above letter has been sent to the Governors of the different states named below, to-wit: Louisiana, Alabama, Kentucky, New York, Ohio, Pennsylvania, Georgia, and Tennessee.

Copy of letters from James C. Jones, Governor of Tennessee, and others, in relation to the Penitentiary system, &c.

EXECUTIVE DEPARTMENT,
Nashville, August 12, 1845.

DEAR SIR: I have the honor to acknowledge the receipt of yours of the 31st ultimo, in which you ask for certain information touching our Penitentiary system.

The convicts in our State Prison are employed chiefly in the mechanic arts, such as shoe-making, hatting, coopering, tailoring, blacksmithing, wagon-making, cabinet-making, and indeed almost all the branches of the mechanic arts, usual in this state. The only species of manufacturing engaged in by the convicts, is in the carding and preparation of wool for the making of hats and other purposes. The most important department of labor in the prison, is the stone-cutting; a much larger proportion of hands are employed in this branch of labor than any other. There has been much clamor in this state by the mechanics against the sys-

tem of labor pursued in the prison, alledging (not without cause) that it was an unequal and unfair competition produced between them and convict labor. So manifest was this injustice, that I called the attention of the Legislature to it, and suggested that a different direction should be given to their labor. The Legislature concurred with me in opinion, and directed the superintendents of the prison to divest as much of the labor as they could from their former pursuits, to the erection of a State House; only taking care to keep so many employed in the mechanic arts as would support the institution. When the state house shall become completed, I do not doubt that the Legislature will direct, that the convicts shall be employed in manufacturing. I do not doubt that this will be found quite as profitable as the present system.

The prison is under the exclusive control of the state, and is managed alone by its agents. We have never made any experiment of renting or leasing, and whilst it might be as profitable, yet I do not think the state should regard her citizens as slaves (though they be culprits) and expose them to cruelty and oppression, as would most likely be the case if they were under individual control.

Should you desire other information on this, or any other subject, I shall take great pleasure in affording it.

Respectfully, your ob't serv't,

JAMES C. JONES.

EXECUTIVE DEPARTMENT,
Milledgeville, August 15, 1845.

DEAR SIR: During the temporary absence of Governor Crawford, I take the liberty, in compliance with your request, to give you an early answer to your inquiries respecting our Penitentiary system, &c.

I requested Mr. A. W. Redding, principal keeper of the Georgia Penitentiary, to furnish me with some items of information on the subject. He has been kind enough to reply to your interrogatories somewhat at length, but no one is better qualified to give better opinions on this head than he. With this recommendation of his ideas, permit me to endorse them to you.

Very respectfully, your ob't serv't,

S. J. ANDERSON, S. E. D.

His Excellency, A. G. BROWN, Jackson, Miss.

To the question. 1st. "How is the convict labor in your Penitentiary employed? Does it engage in manufacturing cotton or woollen goods, or is it employed in the ordinary mechanic arts?"

The convicts in the Georgia prison, are not engaged in the manufacture of any cotton or woollen goods; they are employed in the manufactory of leather, and that leather into shoes, harness, bridles, and leather to finish carriages, embracing all of the coarser and heavier leather, and a portion of the finer. The manufacture of waggons of every grade, buggies, barouches, coaches, every grade of vehicles, house hold furniture, &c.

The greater portion of the convicts may be said to be employed in the mechanic pursuits.

2nd. "If the the convicts have been employed in manufacturing, please state what articles have been manufactured, and how does such a system of labor compare as to profits? Will a given number of hands realize a greater amount of profits from their labor in the maaufacturing business, or in the mechanic pursuits?

It has been found to be most profitable to follow the "mechanic pursuits," because perhaps solely on account of job work coming exclusively under this division; a trial of four years has been given to this prison in the manufacturing business exclusively, and the result was, that a large quantity of manufactured articles had accumulated, and on hand, without any natural or artificial mode of cheap conveyance for transportating these articles to where they were wanted. And they not being of that kind of manufactures that would bear waggoning, they were sold at great losses.

For the last two years, a different system has been pursued, and a very different result has ensued.

That a regular manufacturing business with a given number of hands will result in the greatest profits, I do not doubt, if we are to be governed by what the manufactures are worth, at fair prices; but if we are to be governed by what is realized in cash for the labor of a given number for any series of years, then I apprehend that the business of manufacturing should be pursued no further than can be sold, and such branches selected as will combine the greatest amount of labor to be bestowed on it, and meet the largest wants of the people in reach of it; hence our selection of the manufacture of leather, and that leather into such shape as will sell it. It is the design to carry this branch exclusively into operation.

We have now seventy-two vats for tanning, which are capable of tanning six thousand hides or pieces per annum. The profits of this establishment you can easily and correctly estimate, by the prices the articles bear in your state. Eight hands and one superintendent is sufficient for a yard of this extent, and twenty-four hands of all descriptions, will work up the leather it will make.

About ten thousand pairs of negro shoes will come from a yard of this size, besides the harness, bridles, kip, and other skins that will pass through the yard per annum. As I apprehend the location of your prison is perhaps as unfortunately situated as ours—without a river or railroad, to make cheap and easy transportation, it is of vital importance that such pursuits be engaged in, as will combine the largest amount of labor in their construction, with the least cost of foreign material; taking care to let them be of that kind that shall be of first necessity; and that must be used by the people, whether produce be high or low priced, whether large crops, or no crops be made. Of this kind is iron, leather, salt, &c.; and of any one of these, or all of these, you cannot manufacture too much. The balance of the labor of the convicts may be profitably employed in job or repairing work, making coarse vehicles and coarse furniture. We regard the leather business the best that we can do.

To your third interrogatory, "Do you rent or lease your Penitentiary? If yes, please send a copy, &c., and state to me what is your opinion of this plan, compared with the other system of working the convicts, under officers employed by the state?"

The system of farming out the Penitentiary, has been proposed to the legislature of this state, but this proposition has not received any serious consideration by that body, and in my opinion, should not.

It would seem to be difficult to make such an exact division of prerogative between the state, who undertakes to punish offenders, and the lessor who undertakes *to make money for himself*, that I can but apprehend most serious detriment to the attainment of the object of the one, and the obligation of the other. The great object to be attained in this mode of punishing offenders, is to make bad men better men, and not bad men worse men; and to arrive at this desirable object is the great desideratum. One of the first things to be accomplished, is to remove all impediments and hin-

drances out of the way, on obtaining the man best qualified to accomplish this object; for it may be remembered that bad men must be brought to see and feel by reflection, example, admonition, kindness disinterested, the heighth from which they are fallen; the depth to which crime has sent them. You cannot *make men by brute force, better men;* you can only expect, or hope to do so, when that latent spark of all that is manly, can be roused by exhibitions and sentiments of the kindlier feelings of the human heart. These kindlier feelings and sentiments, you may expect your officer, your principal keeper to have and to exhibit to your convicts, if you have from a wide field selected him; but can you expect it of him who has hired your Penitentiary convicts, as a plantation and negroes. It may not be denied that these human beings have so far forfeited their rights—grant it—but have you, has the state accomplished her ostensible object? She has not. She can not.

Many, very many objections might be urged against the system of leasing or renting out the Penitentiary; but it is deemed to be sufficient to put the whole matter at rest, to state it thus: Is it practicable to expect that men who are vicious, corrupt and overwhelmed with crime, can by this mode of punishment be restored? And if it is, let us ascertain the precise manner they must be managed to accomplish this object. And if in ascertaining the manner they must be treated and managed, we shall find that a man under pay of the state, with enobled, enlarged feelings for his species, will be more likely to devote his energies to accomplish so noble an object as the restoration of his species from low infamy, and raise him up to his proper standard; let us employ by the state, the proper officers to manage the inmates.

Let the convict be treated as near as may be, upon purely parental principles, and he must, he will come out of prison, a better man.

SECRETARY OF STATE'S OFFICE,
Columbus, Oct. 1, 1845.

SIR: Your communication to the Governor of Ohio, dated July 3d, and relating to the management of the Ohio Penitentiary, has been this day handed to me by him, with the request that I answer

it. With this request I will great pleasure in complying. Your first query is:

1st. "How is the convict labor in your Penitentiary employed? Does it engage in manufacturing cotton or woolen goods, or is it employed in the mechanic arts?"

As a general thing, *neither*. The directors and warden make an effort to employ the convicts in such manner as not to compete with manufacturers or mechanics in our own state, at the same time taking into consideration the interest of the treasury by occupying them *profitably*. The variety of articles manufactured in the Ohio Penitentiary, is almost endless. Carpets, coach-lace, saddle-trees, barrels, buckets, stirrups, scythes and *clothing*, are among the heaviest items.

2nd. "If the convicts have been employed in manufacturing, please state what articles have been manufactured, and how does such a system of labor compare with the ordinary mechanic labor as to profits. Will a given number of hands realize a greater amount of profit from their labor in the manufacturing business, or in mechanical pursuits?"

These questions have in part been answered above, so far as answer to them can be made. To the *contractors* the profits certainly *are* greater than if they employed free labor. As for instance, forty tailors are hired out at forty cents per day. Suppose mechanical pursuits will, upon the whole, prove most profitable, although much depends upon circumstances. It is impossible to answer this last question with exactness.

3d. "Do you rent or lease your Penitentiary?"

No. The prison buildings are of the best and most durable material, containing within itself all the elements of a village, and enclosing within its walls an area of several acres. As you ask no questions on that point, I will not detail to you its structure, or the arrangements with regard to time and labor. It is sufficient to say, that although the work of the prisoners is done *for contractors*, to whom they are hired, it is all done under the charge of the warden and directors, and under the immediate superintendence of "guards" or overseers, paid by the state. The only control exercised by a contractor, is to instruct or procure the instruction of the convicts, in the practical branch of labor at which they are employed. Order, and the strictest punctuality and cleanliness mark

every thing. The discipline is necessarily, extremely strict.

The only fault found with the system of labor, in the Ohio Penitentiary, is that it occasionally interferes, or is supposed to interfere, with the profitable occupation of some branches of mechanical pursuits. For that reason, as soon as the present tailoring contract expires, it will not be re-let. With this single exception, the system seems to work with extreme harmony, and with profit as well to the contractor as to the state.

The earnings of the institution for 1844, were,	$41,139 58
The aggregate expenditures, - - - -	22,796 83¾
The net earnings then for 1844, are,	$18,342 74¼

The number of the convicts at the time of the last report, was four hundred and sixty-four.

I have thus given you all the information which I consider as bearing upon your inquiries. Any *further* information which may be called for, will be cheerfully given.

Yours, very respectfully,

D. W. HALSEY.

Chief Clerk, Sec'y of State's Office, Ohio.

LOUISIANA PENITENTIARY,
Baton Rouge, 22d Oct. 1845.

To his Excellency, A. Mouton, Governor:

SIR: In compliance with the request contained in the letter of His Excellency, the Governor of Mississippi, dated 2d October, transmitted to me, in yours of the 8th inst., I beg leave to submit the following answers to the questions contained in said communication.

1st. The Penitentiary has been leased by the Executive of this state, to the present lessees, Messrs. McHatton, Pratt & Co., on the 1st October, 1844, for five years. Sufficient time has not yet elapsed to determine whether the present mode of conducting the institution will be for the interest of the state, and reformation of the convicts.

2nd. The business of manufacturing by machinery, has been partially introduced, and is now being extended by the lessees.

There are at present 1020 spindles, of which there are 720 in

operation for spinning cotton, and 240 employed for spinning wool.

Eight thousand yards of coarse cotton goods, and fifteen hundred yards of coarse woolens are manufactured weekly.

The engine, machinery, and factory, employ seventy-five convicts. There are in the Penitentiary, at this present time, 212 convicts. The present machinery cost $16,000, but could now be purchased for much less, say about $14,000, including engine. The profits for the year which expired on the 1st inst., amount to $18,022 96. Deducting the expense of the seventy-five convicts, for maintainance, clothing, guards, &c., amounting to $8,212 50, leaves a net profit for the manufacturing department of $9,810 46. The profits arising from the manufacture far exceeds that of any other branch of industry in the institution.

By extending the machinery, in order to give employment to the whole of the convicts, the profits would be increased, as the expenses would be reduced.

By introducing manufactures in this Penitentiary, it has done away with a great cause of complaint on the part of the mechanics of this town and neighborhood; as they do not enter into competition with their industry.

I am, sir, very respectfully, your ob't serv't,

SAM. L. ISETT, *Clerk.*

REPORT OF THE COMMISSIONER OF THE SEMINARY FUND.

OFFICE OF COMMISSIONER OF SEMINARY FUND,
Jackson, December 30, 1845.

To His Excellency, A. G. Brown,

Governor of the State of Mississippi:

SIR: In obedience to the requisition of the act of the legislature, creating the office of a Commissioner of the Seminary Fund, approved July 26, 1843, and in obedience to your requisition of the 8th instant, I beg leave to submit for your consideration, the following report, viz.:

There has been paid into the treasury up to this date,

the sum of	$79,548 76
Interest accruing on the same,	23,519 64

Which leaves to the credit of the fund, now in the treasury, the sum of - - - - - - $103,068 40

There remains to be collected the sum of - - 151,680 22

$38,287 93, I consider entirely secure.

There is due from the Planters bank the sum of $10, 269 79. The sum of $7,557 69, they alledge they are unable to pay, $2,712 10, they have the state warrants on hand to represent the indebtedness, which were, through mistake, placed to the credit of the sinking fund, which they refuse to pay, and most unjustly retain.

There is also due on the following decrees in the Chancery Court, viz:

1	Governor of Mississippi	vs	Cole's heirs, -	$28,358 17
2	"	"	" J W N A Smith's heirs	27,034 14
3	"	"	" Runnels' heirs, -	43,794 99
4	"	"	" Stiger & Long's heirs	12,365 65
5	"	"	" Wadlington, -	1,807 44
6	"	"	" Josiah Brenner, -	5,071 77
7	"	"	" D F McCarty, -	288 70
8	"	"	" Walter Strother, -	2,561 19
9	"	"	" L R Starks, -	2,693 67
10	"	"	" J W Hanna, -	2,111 22
Amounting to			- - - - -	$126,086 94

Sales of land were made under the foregoing decrees in August last, amounting to $42, 546 40, including one section purchased by me for the state, at ten dollars per acre, which leaves the sum of $83,546 54 due on said decrees unavailable.

There is also due on the following judgments, in the circuit court of Hinds county, viz:

The Governor vs Battle & Cotton, surety for Jesse Andrews, $17,308 03. The judgment is unavailable. There is a judgment in Madison county against Charles B. Green, for $3,150 00, which will be made by the next regular term of the circuit court of said county if no legal delay is interposed.

A judgment has also been obtained in the Carroll circuit court against A. W. McCarroll, adm'r. of Barfield, and land sold under the same, which was purchased by me for the state, at the sum of $200 00. The balance of the judgment is unavailable. Also a

judgment against the same for $1,064 56, which is likewise unavailable.

Also a judgment against Robinson, adm'r of the estate of Isaac Caldwell, for $7,196 60⅔; which is now levied on land, and will be sold on the third Monday of January, if no legal delay is interposed.

Also a judgment against H. K. Moss security for Samuel Smith, for $1,814 10, which is now levied on land, and will be sold on the third Monday of January. The land will only bring a small portion of the debt, the residue will be unavailing.

Suits are pending in the Hinds circuit court against Ja's Smith's executors for $1,576 41, the amount contested. If judgment should be obtained, a small part of the debt only can be secured. A suit is also pending against J. B. Fox, for $200 00, who is said to be insolvent; land liable therefor, said to be worth the debt. A suit is also pending against R. J. Hodge, security for J. T. Sims, for $623 15, which is said to be good. Suit is also pending in Warren county against C. D. Tucker, on a note for $2,616 70, of which the collection is doubtful. There is also a note on John Tullis, for $2,784 93, which will probably be paid this spring.

There will be due by Gerard Stites, on judgment for the purchase of land, on the 12th day of August, 1846, the sum of $4,988 80, which will be collected soon after it is due, if no legal delays are interposed. Also a judgment against A. J. Montgomery for $270 00, which will be collected shortly after it falls due. There is $7,640 00 due by Richard M. Johnson, Jr., and B. F. Johnson, one-third of which was due last August, and would have been collected had no legal delays been interposed. But the chancery court set the sale aside by which the debt was created, believing the same to have been made upon exparte testimony. I have instructed the Attorney General to ask for a re-hearing in the case, which application is still pending. If the decision is not reversed one-third of the purchase money of the land having been paid into the treasury, the land for which the debt was created will be re-sold and will bring the other two payments. McDaniel and sureties owe $5,720 00, and his debt is in a similar situation; and in both cases, if the land should be re-sold, I am of opinion the fund will lose nothing, provided the legislature retains the first payments. Application in both cases, I am informed, will be made to the legis-

lature for a re-payment of the first instalments. I would respectfully suggest to the legislature, that in the Johnson case the purchase was bona fide made for the benefit of B. F. Johnson, and he should be held to his contract; and also McDaniel has no cause to complain, except as to a quarter section which was sold at $2 62½ per acre, and he is entitled to a credit on his bond for the amount, as the land seems to have been improperly sold by the commissioner in chancery, Wm. Herrald. There is due by Isaac Bass one note of $706 33, which is part due, and will probably be paid in a few days. The other $706 33, will be due in June next, and will be paid without suit. There is also due by Richard M. Johnson, Jr., for rent of section 32, about $200 00.

Summary showing at one single view the value of said fund:

Now in the treasury,	$103,068 40
Amount secure and certain of collection,	38,287 93
Section 32 valued at ten dollars per acre,	6,400 00
304 acres of land valued at five dollars per acre,	1,520 00
320 " " " $1 25 per acre,	400 00
160 " " " " "	200 00
Due for rent of seminary land,	200 00
Total,	$150,076 33

This amount of $ is the available portion of the fund.

The unavailable portion consists of the following items, viz:

Due on judgments, decrees and notes in suit, and from the Planters bank, (aggregate,)	$117,172 29
849 shares of Planters bank stock,	84,900 00
Total,	$202,072 29

All of which is respectfully submitted,

MORGAN McAFEE.

JOINT RESOLUTIONS, TENDERING TO ANDREW JACKSON A NATION'S GRATITUDE.

DEPARTMENT OF STATE, TEXAS,
Washington, on the Brazos, 4th July, 1845.

SIR: In compliance with the request of the honorable Congress, expressed in the second section of a joint resolution, adopted on the 21st ultimo, tendering to General Andrew Jackson the tribute of a nation's gratitude, His Excellency, the President, transmits, through this department, with the assurance of his high regard, to your Excellency, a copy of the joint resolution referred to.

In receiving this testimonial of respect and esteem, offered by the Texian people, through their representatives, to the merits of that renowned chieftain, I pray your Excellency to accept the assurance of the distinguished consideration with which I have the honor to be, Your Excellency's

Most obedient and faithful servant,
OBED ALLEN, Secretary of State.

To His Excellency, the Governor of the State of Mississippi.

JOINT RESOLUTIONS, tendering to General Andrew Jackson the tribute of a nation's gratitude.

WHEREAS, by the many valuable and important services rendered through a long and useful life by Major General Andrew Jackson, to the cause of civil and religious liberty, he justly enjoys, and is entitled to the love and admiration of all his species; Therefore,

Resolved, by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That, in the name and in behalf of the people of the Republic of Texas, we hereby tender to General Andrew Jackson, the UNFEIGNED GRATITUDE OF A NATION.

2d. *Be it further resolved,* That the President of the Republic of Texas is hereby requested to transmit to General Jackson, to His Excellency, the President of the United States, and to the Governor of each State and Territory of the American Union, a copy of this joint resolution.

JOHN M. LEWIS,
Speaker House Representatives.
K. L. ANDERSON,
President of the Senate.

Approved, June 21st, 1845. ANSON JONES.

DEPARTMENT OF STATE,
Washington, 24th June, 1845.

The undersigned, Secretary of State of the Republic of Texas, hereby certifies that the foregoing is a copy of the original joint resolution on file in the archives of this office.

In testimony whereof, the official seal of the department is hereunto affixed. OBED ALLEN.

A LIST of the Returns made to the Secretary's Office, of the Census taken for the different Counties in Mississippi, in the year A. D., 1845.

NAMES OF COUNTIES.	WHITE INHABITANTS.	REMARKS.
Adams County,	3840	Including 2327 in the city Natahez.
Amite "	3804	
Attala "	5433	
Bolivar "	387	
Carroll "	7556	
Chickasaw "	6423	
Choctaw "	6652	
Claiborne "	3043	
Clarke "	2987	
Copiah "	5703	
Coahoma "	1109	
Covington "	2015	
De Soto "	7303	
Franklin "	2188	
		58,443
Greene "	1322	
Hancock "	1737	
Harrison "	1449	
Hinds "	7910	
Holmes "	5551	
Itawamba "	9461	
Jackson "	1570	
Jasper "	3131	
Issaquena "	378	
Jefferson "	2275	
Jones "	1405	
Kemper "	5713	
Lauderdale "	5242	
Lawrence "	3641	
		50,785
Leake "	2476	

NAMES OF COUNTIES.		WHITE INHABITANTS.	REMARKS.
Lafayette	"	6061	
Lowndes	"	7320	
Marion	"	2195	
Madison	"	4400	
Monroe	"	6591	
Marshall	"	10,221	
Neshoba	"	2167	
Newton	"	2694	
Noxubee	"	5369	
Octibbeha	"	3568	
Perry	"	1508	
Pontotoc	"	6823	
Pike	"	3795	
Panola	"	4058	
Rankin	"	3621	
			72,867
Scott	"	1958	
Simpson	"	2839	
Smith	"	2590	
Sunflower	"	330	
Tunica	"	194	
Tippah	"	11,669	
Tishemingo	"	9983	
Talahatchie	"	1819	
Warren	"	6242	Including 2865 in city Vicksburg.
Washington	"	474	
Wayne	"	1322	
Wilkinson	"	3503	
Winston	"	4341	
Yalabusha	"	7623	
Yazoo	"	4706	59,593 Aggregate, 241,688
			241,688

REPORT OF THE QUARTER-MASTER-GENERAL.

QUARTER-MASTER-GENERAL'S OFFICE,
Jackson, Jan. 1, 1846.

To His Excellency, A. G. Brown, Governor of Mississippi:

SIR: I have now the honor, in compliance with your official requisition communicated to me under date of the 25th November, 1845, to report to your Excellency as follows:

1st. The number and condition of muskets and accoutrements belonging to the State, and what disposition has been made of them.

2d. The number and condition of rifles, &c., and their disposition.

3d. The number of pistols, holsters, &c., and their disposition.

4th. The number of cannon, their size, and where located.

It is a matter of regret that I am compelled to communicate to your Excellency the fact, that the arms, accoutrements, &c., belonging to the State, are far from being in the *good condition* they *ought* to be. This arises principally from the fact of there being no suitable place in which to deposite them, and the frequent necessity of removing them from place to place, and the consequent exposure to the damp atmosphere.

The room in the capitol, at this time occupied as a depository of the arms, &c., of the State, is by no means suitable for such a purpose; nor is it a suitable or convenient position for them. Two of the cannon, now under the immediate charge of this department, are from necessity, deposited under sheds in this city. This is not only an unsafe place for them, but they are liable to great damage, and it should not be permitted if it could be obviated, but which cannot be done unless the legislature will authorize the erection of a suitable building.

It is scracely necessary to allude to the many inconveniences which have attended the safe and proper keeping of the State arms and munitions of war, during the past two years—the detriment which the State has suffered in consequence thereof, as they are well known to your Excellency. Yet I would be permitted, respectfully, to suggest to your Excellency the propriety of recommending to the legislature, the expediency of having an *armory* and magazine erected with as little delay as may be practicable, wherein the arms, &c., belonging to the State could be deposited

and safely secured from loss, injury or improper interruption. Independent of these pecuniary considerations, it seems to me that a building of the kind is imperiously demanded upon the score of prudential considerations and requires no argument to make a direct appeal to the sound discretion of any good citizen who will give the subject a moments reflection.

I am informed by Col. A. M. Winn, of Warren county, that the "Southrons" of Vicksburg have in their possession some small pieces of cannon. He desires to know of me what disposition shall be made of them as to their more equitable distribution, and as to the obtaining bond for the same. I have not given him any directions upon the subject, and shall await your Excellency's instruction in the matter.

Before concluding the report, it is but proper I should communicate to your Excellency, that there is a manifest indisposition on the part of those who have been placed in offices coming under the head of my department, to render that cheerful and prompt attention in the discharge of their duties, which is so necessary to the efficient organization of the militia system of this state. It arises in most cases, I am persuaded, from the limited salaries allowed by law to the persons *selected* to fill these offices. The salary of one hundred dollars is totally inadequate to the trouble and responsibilities incident to the office. Such persons, only, should be selected for these stations, who would agree to faithfully perform the duties thereof; and in order to secure such, fair and equitable compensation must be allowed, and then a rigid compliance enjoined upon them for the prompt and efficient fulfilment of the duties of their respective offices. But I deem it unnecessary to make any other suggestions to your Excellency, as you are well aware of what is required for the correction of the present defects of our present inefficient militia system. For a more complete statement, I beg to refer you to the accompanying paper, marked A.

Very respectfully,

W. M. SMYTH.

Quarter-Master-General, Miss. Militia.

ACCOMPANYING PAPER [A.]

A LIST of public arms distributed to different volunteer companies in the state, by W. M. Smyth, Quarter-Master-General, from the 18th day of January, 1844, to the 18th day of January, 1846.

Date of Bond.	Name of Company.	Arms.
Aug. 27, 1844	Lafayette Cavalry,	62 swords, 62 pr. pistols and accoutrements,
Dec. 18, "	Attala Guards,	60 muskets & accoutrements
April 10, 1845,	Fulton Guards,	64 " " "
May 28, "	Lafayette Guards,	60 " " "
June 18, "	Carroll Guards,	29 pr. pistols 40 swords, &c.
July 2, "	Oregon Guards,	35 rifles,
" 17, "	Quitman Riflemen,	40 muskets and 70 accoutrements—22 accout's ret'd,
" 22, "	Lexington Volunteers,	60 muskets & accoutrements
Aug. 15, "	Aberdeen Guards,	40 " " "
" 28, "	Claiborne Guards,	21 bayonet scabbards,
Sept. 5, "	State Fencibles,	30 muskets & accoutrements
" 26, "	Athens Light Guards,	60 " " "
Nov. 12, "	Pontotoc Dragoons,	64 pr. pistols, 64 swords &c.
" 29, "	Vicksburg Volunteers,	40 muskets, &c.,
	Total,	454 muskets, 35 rifles, 155 pair pistols, 166 swords, 21 bayonet scabbards,
Dec. 11, 1844.	David Dickson,	1 Hall's rifle,
	M. G. Hopkins,	1 " "

There is at present in the possession of the Quarter-Master-General,

60 Hall's patent rifles and accoutrements, in good order.

62 pair pistols, " " " " "

60 muskets, " " " " "

As also—4 cannon, three of which are six pounders, and one twelve; two of them on wheels, and all in good order.

There are six pieces of ordnance at Vicksburg, two at Natchez, and one at Port Gibson, belonging to the state—*all, I believe, in good order.*

City of Jackson, Jan. 1, 1846. } W. M. SMYTH, *Quarter-Master-General, Miss. Militia.*

REPORT OF THE ADJUTANT GENERAL.

STATE OF MISSISSIPPI,
Adjutant-General's Office, Dec. 27, 1845.

A. G. Brown, Commander-in-Chief:

SIR—In conformity with law, and your requisition of the 8th inst., I have the honor herewith to lay before you the number and rank of the commanding officers in the militia of this State, together with the many vacancies yet remaining in the same. Annexed, you will find a table, exhibiting the number and rank of all officers now in commission. A great number of the beat officers, however, are acting under brevet appointments, and whose names, therefore, are necessarily excluded from the annexed table.

The staff of the Commander-in-Chief, is fully officered.

The 5 divisions are officered, with the exception of the staff of the Major-General of the 2d division, and a Quartermaster in the staff of the Major-General of the 1st division.

The 11 brigades are officered, with the exception of the 1st brigade of the 4th division, and the staffs of the 2d brigade of the 2d division, and the 1st and 2d of the 5th division. An election has been held to fill the vacancy occasioned by death, in the 1st brigade of the 4th division, and partial returns received.

The requisitions made upon the commandants of the several regiments by order of the Commander-in-Chief, have, but in a very few instances, been complied with. I am, therefore, driven to the necessity of a reference to the registers in this office, for the information sought, instead of the reports anticipated by such orders.

The 1st regiment is fully officered. The 2d regiment has a Colonel and Lt. Colonel and Major. Beat companies, A and B, are officered. In beat company C, the offices of Captain and Lieutenant are vacant. Companies D, E and H, are officered. G has 1 Lieutenant, and F 1 Ensign. The 3d regiment has a Colonel, Lt. Colonel and Major; and beat company F, officered. All others vacant. The 4th regiment has a Colonel and Major. Beat company A, is officered; B has a Captain, F is officered. The 5th regiment has a Colonel and Lt. Colonel; and beat company C, a Lieutenant and Ensign; C an Ensign; E and H are officered. The 6th regiment is fully officered, with the exception of a Colonel, whose term expired Nov. 15th. The 7th regiment has a Colonel, Lt. Colonel and Major—all others are vacant. The 8th regiment

has a Colonel, Lt. Colonel, and Major; beat companies, A and B, has a Captain and Lieutenant; C is officered; D has a Captain and Lieutenant; E has a Captain; F is officered. The 9th regiment has a Colonel and Lt. Colonel; beat company D, has a Captain; E is officered. The 10th regiment has a Colonel and Lt. Colonel; beat company A, has a Captain and Ensign; C a Captain and Lieutenant; E is officered; B a Captain and Lieutenant; D an ensign. The 11th regiment has no officer. The 12th regiment has a Colonel, Lieutenant and Major; beat company C, is officered, and E a Captain and Lieutenant. The 13th regiment has a Colonel, Lt. Colonel and Major; beat companies A, B, C and D, have a Captain; E is officered. The 14th regiment has no officer. The 15th regiment has a Colonel, Lt. Colonel and Major; beat company A, has a Captain and Ensign; B is officered; C, a Captain and Lieutenant. The 16th regiment has a Colonel, Lt. Colonel and Major; beat company A, is officered; D, a Captain. The 17th regiment has a Colonel, Lt. Colonel, and Major; beat companies A, B, C, D, F, G, H and I, are officered; E a Captain and Ensign. The 18th regiment has a Colonel, Lt. Colonel, and Major; beat company B, is officered; D a Lieutenant and Ensign; C is officered; F a Captain; H a Captain; G is officered; K a Captain; L a Captain and Lieutenant; M a Lieutenant and Ensign. The 19th regiment has a Colonel, Lt. Colonel and Major; beat companies, A, B, D, E, F and L, are officered; C a Lieutenant and Ensign. The 20th regiment has a Colonel and Major; beat companies A and C, are officered; E a Lieutenant and Ensign. The 21st regiment has a Colonel, Lt. Colonel and Major; beat companies, A, C, D, G, I and J, are officered; B a Captain and Lieutenant; E a Captain and Ensign; F a Captain and Ensign. The 22d regiment has a Colonel, Lieutenant and Major; beat company A, is officered; B and C are officered. The 23d regiment has a Colonel; and beat companies, A and B, officered. The 24th regiment has a Colonel, Lt. Colonel and Major. The 25th regiment has a Colonel, Lt. Colonel and Major; beat companies, A, B, C, D, H, I, E, F and G, are officered. The 26th regiment has a Colonel, Lt. Colonel and Major; and beat companies, A, C and D, are officered. The 27th regiment has a Colonel, Lt. Colonel and Major; and beat companies, A, B, C, D, E and G, are officered; F and H, has a Captain. The 28th regiment has a Colonel, Lt. Colonel and Major; and beat

companies, B, E and H, are officered; C a Captain and Lieutenant; D a Lieutenant and Ensign. The 29th regiment has a Colonel, Lt. Colonel and Major; and beat companies, A, D, H and I, are officered; C a Lieutenant and Ensign; J a Captain; E a Captain; K an Ensign; G a Captain. The 30th regiment has a Colonel, Lt. Colonel and Major; beat company A, has a Captain; B a Captain, Lieutenant and Ensign; D a Lieutenant; E a Captain; F a Captain and Ensign; G is officered; H a Captain; E a Lieutenant and Ensign. The 31st regiment has a Colonel and Lt. Colonel; and beat companies, A, C, D and E, are officered; B a Captain and Lieutenant. The 32d regiment has a Colonel, Lt. Colonel and Major; and beat companies, A, B, C, E, F, G, H and I, are officered; D a Captain. The 33d regiment has a Colonel, Lt. Colonel and Major; and beat companies, A, B, D and E, are officered. The 34th regiment has a Colonel, Lt. Colonel and Major; beat company A, has a Captain; B and F, are officered; C a Captain and Lieutenant; D a Captain and Ensign; E a Captain and Lieutenant. The 35th regiment has a Colonel, Lt. Colonel and Major; beat companies, C, D and E, Captains. The 36th regiment has a Colonel, Lt. Colonel and Major; and beat companies, C, E, F and G, are officered; D a Capt. The 37th reg. has a Colonel, Lt. Col. and Major; and beat companies, B, F, E and G, are officered; H a Captain and Lieutenant. The 38th regiment has a Colonel, Lt. Colonel and Major; and beat companies, A, C, E and D, are officered. The 39th regiment has a Colonel and Major; and beat companies, B, C and E, are officered; A, a Lieutenant and Ensign. The 40th regiment has a Colonel, Lt. Colonel and Major; beat company A, has a Captain and Lieutenant. The 41st regiment has a Colonel, Lt. Colonel and Major; beat companies, A and C, are officered; B and D have Captains. The 42d regiment has a Colonel, Lt. Colonel and Major; beat companies, A, B, C, D and F, are officered; E a Captain and Lieutenant. The 43d regiment has a Colonel; and beat companies, A, B, C, E, D and F, are officered. The 44th regiment has a Colonel, Lt. Colonel and Major. The 45th regiment has a Colonel, Lt. Colonel and Major; and beat companies, D, A, B, E, F and I, are officered; C a Captain. The 46th regiment has a Colonel and Lt. Colonel; beat companies, D and E, has a Captain and En-

sign. The 47th regiment has a Colonel; and beat company F, is officered. The 48th regiment has a Colonel, Lt. Colonel and Major; and beat companies, A, E, F, H, G, I and K, are officered; C a Lieutenant and Ensign; D a Captain. The 49th regiment has a Colonel, Lt. Colonel and Major; beat company A, has a Captain and Lieutenant; B a Captain; C, D, E, F and G, are officered. The 50th regiment has a Colonel, Lt. Colonel and Major; and beat companies, A, F, G, H and I, are officered; C and E, a Captain and Lieutenant. The 51st regiment has a Colonel, Lt. Colonel and Major; and beat company A, has a Captain; B, a Captain and Lieutenant; C, D, F and G, are officered. The 52d and 53d regiments, have no officer. The 54th regiment has a Colonel, Lt. Colonel and Major; and beat companies, A, B and C, are officered. The 55th regiment has a Colonel; and beat companies, A, B, C, D, E, F, G and I, are officered; H, a Captain and Lieutenant. The 56th regiment has no officer. The 57th regiment has a Colonel, Lt. Colonel and Major; and beat companies, A, F and G, are officered; B a Captain and Lieutenant; C, a Captain and Ensign; D, E and H, have Captains. The 58th regiment, has Captains in beat companies B and D. The 59th regiment has a Colonel. The 60th regiment has a Colonel, Lt. Colonel and Major; and beat companies, B and E, have Captains; C, a Lieutenant and Ensign; D and H are officered. The 61st regiment has a Colonel, Lt. Colonel and Major. The 62d regiment has a Colonel, Lt. Colonel and Major; and beat Company A, has a Captain and Lieutenant; B a Captain; C and D, are officered. The 63d regiment has a Colonel, Lt. Colonel and Major; and beat companies, A, D, F and I, are officered; B, a Captain and Lieutenant; C, E and H, have Captains; G has a Captain and Ensign. The 64th regiment has a Colonel, Lt. Colonel and Major; and beat company H, has a Captain and Lieutenant; D, a Captain.

The two new counties, Issaquena and Sun Flower, have no organization, nor was there any authority for such, at the time of their creation. All of which, is respectfully submitted.

I have the honor to be,

Very respectfully, your ob't serv't.

B. C. BUCKLEY, A. G.

OFFICERS.	General Staff.	Division Staff.	Brigade Staff.	Infantry.	Total.
Commander-in-Chief,	1				1
Adjutant-General,	1				1
Major-Generals,		5			5
Brigadier-Generals,			10		10
Quarter-Master-General,	1				1
Assistant Quarter-Masters,	4				4
Division Inspectors,		4			4
Division Quarter-Masters,		3			3
Aids-de-Camp,	4	9	7		20
Brigade Majors,			7		7
Brigade Quarter-Masters,			7		7
Division Advocates,					
Colonels,				52	52
Lieutenant-Colonels,				47	47
Majors,				47	47
Adjutants,				30	30
Judge Advocates,				26	26
Quarter-Masters,				27	27
Surgeons,				27	27
Captains,				293	293
Lieutenants,				268	268
Ensigns,				238	238
					1,113

LETTERS FROM THE UNITED STATES DEPARTMENT.

Copy of a letter from G. Talcott, Lieutenant Colonel of the Ordnance Department, &c.

His Excellency, A. G. Brown, Governor of Mississippi.

City of Jackson.

Sir: I have the honor to acknowledge the receipt of your two letters of the 18th ultimo., and in answer to state, that agreeably to request therein contained, the balance of one hundred muskets referred to in my letter of the 25th February last, will be furnished in muskets, with their appropriate accoutrements.

I also enclose herewith, a statement of the artilery, small arms, &c., with their value affixed to them, from its organization as a territory to the present time.

I am, sir, respectfully your ob't. sv't.,

G. TALCOTT, lieut. col. Ord'n.

Statement of the Artillery, small arms and other stores, with their value affixed to them, issued to the State of Mississippi, under the law of 1808, from its organization to the present time, viz:

4, 6 pdr., Brass Guns,	$1408 00
1, 12 " Howitzer,	272 00
10, 6 " Iron Guns,	000 00
11, 6 " Carriages, with implements,	3,500 00
2190, Muskets,	29017 00
209, Common Rifles,	28 21
313, Hull's Rifles,	5477 00
1081, Pistols,	8107 00
663, Cavalry Sabres,	3700 00
120, Artillery Swords,	480 00
1169, Sets Infantry accoutrements,	3507 00
522, Rifle accoutrements,	1566 00
663, Cavalry accoutrements,	3315 00
120, Artillery Sword-belts,	132, 00
1, Percussion locks (for cannon,)	5 00
	$64,157 00
One set of harness for 4 horses,	80 50
Total,	$64,237 50

ORDNANCE OFFICE,
Washington, Feb. 25, 1845.

His Excellency, A. G. Brown,
Governor of Mississippi, City of Jackson:

SIR: I have the honor to acknowledge the receipt of your letter of the 4th inst., enclosing a certified statement from the office of the adjutant-general, of the strength of the Mississippi militia, and designating the kind of arms required for the present year. In answer I have to state, that previous to the receipt of your letter, the apportionment of arms for distribution to the several states and territories, predicated, as usual, upon the returns transmitted under the law of congress of March 2d, 1803, had been prepared in this office. But as the apportionment is still considered open for correction, the return received will be the basis for determining the quota of Mississippi, and will accordingly amount, the present year, to about 440 muskets.

The stores specified in your letter, viz:

2 six pounder brass guns with carriages and harness complete,
125 pair pistols, with holsters, &c.,
63 cavalry sabres and belts,

are equal in value to about 340 muskets, leaving a balance in favor of the state of 100 maskets, which can be furnished either in two additional six pounder brass guns, with carriages complete, or in muskets, or other small arms, as you may desire.

There are no nine pounder guns on hand, or provided for the use of the army; that calibre having been discarded from the service.

For your information I enclose herewith a copy of a recent decision of the secretary of war, governing in the issue of arms, under the law of 1808.

Be pleased to state at what place, and to whom the stores shall be delivered. The existing regulations require that the place designated shall be situated on naturally navigable water, within the state.

I am, sir, respectfully, your ob't serv't,
G. TALCOTT,
Lieut. Col. Ordnances.

REPORT MISSISSIPPI PENITENTIARY.

CLERK'S OFFICE,
Jackson, Dec. 13, 1844.

To His Excellency A. G. Brown, Governor of the State of Mississippi:

SIR: By direction of the Board of Inspectors, of this Institution, I have the honor to lay before you their annual report for the financial year ending on the 30th ultimo, together with the Reports of the Superintendent and Physician, and Exhibit marked C, from the clerk's books, showing the operations of the prison in detail.

In compliance with the statute, I have deposited in the office of the Auditor of Public Accounts, a statement of the current receipts, and expenditures, and also a general inventory of stock and cash on hand at the close of the fiscal year 1844.

I am with high regard, your ob't serv't,

DAVID N. BARROWS, *Cl'k.*

INSPECTOR'S OFFICE,
Jackson, Dec. 12th, 1844.

To His Excellency A. G. Brown, Governor of the State of Mississippi:

In compliance with the 8th section of the Penitentiary Code, approved 24th Feb., 1844, the Inspectors beg leave to make their Report.

First. On condition of the Prison.

The lower tier (50 cells in number) is all complete and in good order. In the second tier their are 36 cells completed, and 14 others which can be ready for use at very small expense. The workshops are in good condition and suited for the various branches of business carried on therein. There are also sheds, &c., for the sheltering of the articles manufactured, such as wagons, ploughs, &c. The buildings and yard about the Penitentiary, have been kept neat and clean during the present year.

Agreeably to resolutions passed at the last session of the legislature, the Superintendent purchased a carding machine, which has been in operation for several months; it is propelled by horse power. Also, constructed an iron door across the main passage

to the prison edifice, which has proved to be a great convenience, and, in our humble opinion, much more safe than the old plan to prevent the escape of prisoners.

The legislature also passed a resolution, requiring a roof to be erected over the walls of the prison, (provided it was deemed expedient, by the Inspectors) in order to save the expense of the guard on the walls. The inspectors have from time to time had the same under consideration and deemed it inexpedient to carry the same into effect: for, although the roof might be built, yet, the guard would still be needed on the walls; the roof would therefore be an unnecessary expense.

The Inspectors do not deem it necessary to recommend any change about the premises, except, to erect a suitable building for a hospital, which we think very necessary during the winter. It can be dispensed with in summer, as the large passage between the cells, is then a cool and pleasant place for the sick.

Secondly. As regards the convicts.

By reference to the superintendent's report you will perceive the number of prisoners received the last year, and the number remaining in the prison at the close of the year; showing also, the manner in which they have been employed, and also a statement of the number who have died, been pardoned, and discharged. Said last statement is marked A.

As regards the health of the prison, we refer you to the Physician's port, (Exhibit B.)

Upon the subject of the moral and religious improvement in the prisoners, we have good reason to believe that preaching has had a very salutary effect; much credit is due to the ministers of this city and vicinity for their gratuitous services.

The prisoners seem generally disposed to obey the officers and guards, and attend well to their respective duties; the number of offences is small, and the present mode of punishment seems to have a good effect, and appears sufficient to restrain them. Their clothing and bedding amply suffice to make them comfortable; their food has been of a strong and wholesome kind, the cost of which averages 4⅞ cents per day for each convict; we flatter ourselves, they will compare in appearance with any prisoners confined in a similar institution in the union.

Thirdly. Concerning the [illegible]onies received and expended.

Exhibit C, hereunto annexed, is the superintendent's account current, which shows the cash receipts to be (from the 28th Nov., 1843, to November 30th, 1844) $16,798 46 and additional earnings for which cash was not received, amounting to $5,591 61. Amount of salaries due last year and paid this year, $432 12. Profit and loss account, for loss on manufactured articles made by Superintendent Hart, sold for less than invoice price, $385 90. Superintendent's drafts on the Auditor of Public Accounts, and cancelled from the receipts of the institution by order of the board of inspectors, $3,284 66. Stock on hand as per inventory taken Nov. 30th, 1844, $13,172 74. Cash on hand at same date, $1,561 74, making $41, 227 23. The disbursements during the same period amount to $22,598 42. Stock on hand as per inventory taken Nov. 28th, 1843, $15,021 93. Cash on hand at same date, $2,269 88-100, leaving the nett profits for the fiscal year, ending Nov. 30th, 1844, at $1.337 00.

In the exhibit will also be found, under distinct heads, the manner in which the monies were received and disbursed. We are not able to give the distinct profits of each shop, but shall be able to do so in future.

The legislature passed a resolution requiring a new mode of book-keeping, (which did not go into effect until the commencement of the present fiscal year) by which we shall be able to give the profits or losses of each department of business separately.

The Superintendent reports, that to the best of his knowledge and belief, the institution does not owe one dollar up to the close of the last fiscal year, Nov. 30, 1844. We have a hope that the cash receipts during the present year, from the labor of the convicts, will be sufficient to defray all the expenses of the institution without calling on the state for aid.

The inspectors have been much gratified at the harmonious manner in which the present officers have transacted business together, and their readiness to carry into effect any order which was passed by the board.

The superintendent has shown every disposition to discharge his duty, as a faithful officer to the state.

The assistant keeper is industrious, attentive, and seems to have a peculiar talent for the station which he occupies. His strict attention to the sick convicts, has been highly praisworthy.

The clerk's books are neat, and kept in a plain and correct business like manner; he has discharged his duty both as clerk of the prison, and secretary of the board, to the full satisfaction of the inspectors.

The present guard is composed of men of good and industrious habits, polite and respectful towards their superiors and persons visiting the prison.

In cosclusion, it may be proper to state, that we have not strictly complied with the law. Section 8th of the Penitentiary Code, requires the Inspectors to report to the Governor on the second Monday of December: the 40th section requires the Superintendent to make his report on or before the second Monday in December, which is the same day that the Inspectors are required to report to the Governor; hence it will be seen, that the law requires us to do an impossibility; we have, however, made out our report as early as practicable.

All of which is respectfully submitted.

RICH. P. WINSLOW,
LEWIS L. TAYLOR,
J. C. FOREST.
} *Inspectors.*

To R. P. Winslow, L. L. Taylor and J. C. Forest, Inspectors of the Mississippi Penitentiary:

GENTLEMEN:—As the law directs, I herewith present to you a comprehensive view of the transactions of this Prison for the last fiscal year, which closed on the 30th day of November, 1844. See document A.

In document marked B, you will find an account of all the manufactured articles on hand; and all the stock and property belonging to this prison.

The number of convicts in this Penitentiary on the 28th day of November, 1843, was 66; received since that time, 33; making in all 99, out of which, 8 have been discharged by expiration of sentence; 3 have been pardoned by the Governor; 2 died, and 2 were sent back by a writ of error from Judge Sharkey, leaving now in confinement 84, which are employed generally as follows, to-wit:

In wheelwright and carpenters shop, including harness makers,	16
In blacksmith shop,	12
In shoemakers shop,	4
Spinning, weaving, warping, &c.,	6
Carding and cleaning wool,	3
Painting and carriage trimming,	5
Cutting wood and getting timber,	4
In brick yard,	13
Driving horses to machine,	1
In grinding corn,	2
In gardening,	1
In cooking,	4
In washing,	2
Sweeping and cleaning prison,	2
Average in solitary confinement,	2
Old and infirm,	2
Average confined by sickness,	5
Whole number confined in prison, Nov., 1844,	84

I respectfully refer you to the clerk's books and all other papers and vouchers in his office, to sustain documents A, and B. You will find them plain and intelligible as well as all other matters connected with office.

The business of this prison has progressed steadily and harmoniously, during the past fiscal year; all the officers have applied themselves diligently and faithfully to the discharge of their respective duties, and so have the guards, to the best of their capacities.

This prison labors under serious disadvantages not known to any other prison in the Union, on account of the heavy expense incurred in guarding the walls, for which there seems to be no remedy, except, tearing down and building up new walls. The expense of guarding the walls the past year, including board of guard, &c., amounts to the sum of $1,299.

I have felt myself compelled to keep one convict in solitary confinement during the whole of the past year. I exhausted all my management on him before I adopted this very harsh course. Others also were placed in solitary confinement at different times,

making an avarage of two thus punished, during the whole of the past year. As regards the first named, I am satisfied that nothing but the want of the *lash* has produced the necessity of his ever going into solitary confinement. I wish to call your attention particularly to his case, and ask you to have some remedy provided against a too frequent recurrence to the necessity of solitary confinement, which I believe, can only be done by the use of the *lash, properly guarded.*

It is proper for me to remark here, that a large number of the convicts received this year, and particularly this fall, are old, infirm and of broken down constitutions, without trades, and bid fair to become a heavy tax upon this institution. No. 51, who is represented to be 106 years old, is very troublesome to the whole institution, and would be more properly at home in a lunatic asylum. Three others, received this fall, have been confined to the hospital since their reception.

I have now the gratification to inform you, that all the outstanding claims against the institution during my administration, have been paid, and not one dollar on any account remains unpaid to the best of my knowledge; and that there is still in the treasury of the institution, money sufficient to purchase all the needful supplies, so as to enable the institution to continue its operations without again being a *charge to the state.*

Punishments have been very seldom inflicted during the year; the convicts have behaved well with a few exceptions, are industrious and seem much disposed to read and receive moral instruction.

Much praise is due to the clergy of this city and its vicinity, who have kindly volunteered their services to preach to the convicts, since the office of chaplain was abolished.

You will perceive that the whole expense of the penitentiary for provisions during the last year, was $2361 13 entitled to a credit of $101, for provision sold, and $486.10 amount of provisions on hand, leaving for amount consumed $1773 03. There are 84 convicts, 10 guards and an average of six negroes left in prison for safe keeping, making in all 100 persons supported from the above amount of $1773 03, which you will find amounts to 4⅞ cents per head for each day.

I cannot, in justice to my feelings, close this communication

without an expression of the lasting obligations I feel to the board of inspectors, for their ready co-operation with me in all measures that seemed for the interest of the institution, and their great anxiety to advance its future prosperity; and it will give me pleasure at all times to meet your views and suggestions; and I rely, with a pleasing hope, on your continued advice and aid in the discharge of my arduous duties.

Very respectfully, your ob't serv't,

BENJ. G. WEIR,

Superintendent Mississippi Penitentiary.

SUPERINTENDENT'S OFFICE,
December 6, 1844.

[EXHIBIT B.]

MISSISSIPPI PENITENTIARY,
Jackson, Dec. 10, 1844.

To the Inspectors of the Mississippi State Penitentiary:

GENTLEMEN—In my last annual report, I called the attention of the board to the improved condition of the health of the prisoners growing out of the suggestions which had been made the year before, and carried out the succeeding year.

I feel gratified in stating that the result of the present year renews my confidence in the sanatory measures which were then adopted, and confirms the opinion heretofore expressed of the healthfulness of the location of the prison. The past summer and fall presents a striking example. It is a well known fact that fever has prevailed to an unprecedented extent over a large portion of the upland country of the state, and that to one or two locations a fearful fatality has attended it, yet there has not occurred in this institution a solitary case of fever that did not yield in the treatment in three or four days, so mild has been its character.

The portion of acute forms of disease, independent of fever, has not been as great as last year; in their character they were, with few exceptions, mild and of short duration.

The journal of the medical department exhibits, however, an increase of chronic cases over the last year. This increase, I may observe, has not originated in the penitentiary. More than a third of those admitted in the last year, have brought with them various

chronic diseases, the result of vicious habits, privations and exposure. Indeed, it would appear that the demand for the services of the physician comes in a majority of cases from that class of unfortunates who, having exhausted their means and their constitutions in the indulgence of every species of vice and dissipation, find their way to the penitentiary, regarding it as an asylum where their wants and sufferings may be ministered to, rather than a place of probationary punishment provided by government for the expiation of crimes committed.

There have occurred but two deaths in the prison since the close of the last fiscal year, both, singularly enough, having taken place on the same night, one dying of chronic diarrhœa, the other of apoplexy. The history of the first one may be told in a few words—he came into the prison with a constitution broken down by a complication of diseases of long standing, which, after much suffering and confinement, terminated his existence. Of the other individual, little was known; he had but recently entered the prison and presented the appearance of robust health. He was a man of full habits, sanguine temperament, short neck and large head; had been slightly indisposed the day before his decease, but was able to answer to his number a few hours before his death.

There are at this time in the hospital but two cases of disease, one a case of chronic rheumatism, the other, chronic diarrhœa.

Very respectfully, your ob't serv't,

W. S. LANGLEY.

[EXHIBIT C.]

STATEMENT showing the condition of the Mississippi State Penitentiary, from the 28th day of November, 1843, to the 30th November, 1844, inclusive.

RECEIPTS.

Cash income on account of Blacksmith Shop,	5367 72		
" " " " " Wheelwright and Carpenters Shop,	6740 76		
" " " " " Shoemakers Shop,	1454 91		
" " " " " Tailors Shop,	3 25		
" " " " " Weavers and Wool-Carders Shop,	328 29		
" Received on account of sale of Hogs,	101 00		
" " for Keeping Runaway Slaves,	207 90		
" " for Sale of Oxen and Horses,	197 50		
" " on account of Brickyard, for sale of Bricks,	2397 13	16798	46
(Additional earnings for which cash has not been received,)			
This amount for 32 Chains, manufactured for State House, at $1 a piece,	32 00		
" " " Iron door, and partition in passage to main building, and grating for prison walls and hauling sand for improving premises,	275 90		
" " " Making large table for Governor's office,	30 00		
" " " " Flag Staff for Capitol,	25 00		
" " " Furnishing lumber and building shed in brickyard,	147 48		
" " " Making one propelling wheel and drums for turning-lathes and other improvements,	671 10		
" " " Making one large table and book case for Adjutant General's office, and lightning-rods for State Capitol,	90 95		
" " " Furnishing and laying 39,079 bricks on Governor's stable,	468 92		

" " " Cutting and hauling 120 cords wood for prison, $1 50 a cord,	180 00	
" " " Board and attention to 2 convicts kept in solitary confinement, 730 days at 40 cents per day,	292 00	
" " " Board and attention to 2 old and infirm convicts, for 730 days, at 40 cents per day,	292 00	
" " " Board and nursing 5 sick convicts, 1825 days, at 40 cents per day,	730 00	
" " " Services of 4 convicts cooking for prison, 1460 days, at 40 cents,	729 00	
" " " Services of 2 convicts washing for prison, 730 days, at 50 cents,	360 00	
" " " Services of 2 convicts sweeping and cleaning, 730 days, at 33 cents,	240 00	
" " " Out door and job work on prison and garden,	293 00	
" " " Keeping negro boy, Peter, brought from Lawrence county, for trial before the High Court of Errors and Appeals, from Jan. 2 '42, to Nov. 30, '44,	139 60	
" " " Convict clothing, shoes, hats, &c., consumed and repaired,	603 66	5591 61
Amount of salaries due last year, paid and charged this year,		432 12
Profit and loss account. For loss on manufactured articles made by Superintendent Hart, and sold less than invoice price,		385 90
Amount of Superintendent's drafts issued upon the Auditor, and taken up and cancelled from the recent of the Institution by order of Board of Inspectors,		3284 66
Amount of Stock on hand as per Inventory taken November 30th, 1844,		3172 74
" " Cash on hand November 30th, 1844,		1561 74
		41227 23

STATEMENT showing the condition of the Mississippi State Penitentiary, from the 28th day of November, 1843, to the 30th November, 1844, inclusive.

DISBURSEMENTS.		
Cash paid out on Provision account, : :	2381 13	
" " " " Clothing account for discharged convicts, :	124 59	
" " " " Hospital account for medicines,	72 40	
" " " " Soap, candles and oil accounts,	381 60	
" " " " Freight and hauling accounts,	611 68	
" " " " Furniture and stationary,	29 10	
" " " " Salaries to officers, :	4971 77	
" " " " Salaries to the guards, :	3979 83	
" " " " Building materials account,	110 87	
" " " " Master-workmen salary acc't,	917 50	
" " " " Blankets and bedding account,	76 50	
" " " " Tools account, : :	299 04	
" " " " Working materials account,	5761 46	
" " " " Arms and amunition account,	8 71	
" " " " Horses and oxen accounts,	243 00	
" " " " Forage and fuel account,	1284 78	
" " " " Carding machine purchased,	750 00	
" " " " Contingencies account, :	664 96	22598 42
Amount of Stock on hand as per inventory, Nov. 28, 1843,		15021 93
" " Cash " " " " Cash account, :		2260 88
" " Nett profits from November 28th, 1843, to November 30th, 1844, : : :		1337 00
		41227 23

BENJAMIN G. WEIR, *Superintendent.*

DAVID N. BARROWS, *Clerk.*

Mississippi Penitentiary, Jackson, Dec. 4, 1844.

[EXHIB

STATE

SHOWING the number of Convicts Pardoned, Discharged and Dead, Duri

No.	Names.	Age.	Height.	Description and Particular Marks.	Occupation.	Crimes.	Date of sentenc
12							
4	Dawson B. Rockhold,	35	5 feet, 10	Black hair and eyes, left arm crippled by gnn shot,	Blacksmith,	Forgery,	2d Feb., 184
93 1	Elijah McGinnis,	22	6 feet, 1	Dark hazel eyes, black hair, right big toe cut off,	No trade,	Forgery,	12th April, 1
88	Archibald Kelly,			- - - - - - - - -		Manslaughter,	April, 1844,
	Archibald Lilly,			- - - - - - - - -		Manslaughter,	April, 1844,
00 0	Oliver Hunt,	19	5 feet, 6¼	Blue eyes, dark hair, - - - - -	No trade,	Larceny,	4th June, 18
9	William P. Crockett,	35	5 feet, 7½	Dark eyes, black hair and scar on the forhead,	Milwright,	Larceny,	2d June, 184
23 8	George H. Arnold,	36	5 feet, 8½	Black hair, hazle eyes, lame left leg, - -	No trade,	Bigamy,	15th Oct., 1
1	Peter Martin,	33	5 feet, 5	Light brown hair, blue eyes, - - -	Sailor,	Larceny,	12th June,
7	George Cook,	22	5 feet, 4½	Black eyes and hair, scar left side of the head,	Carpenter,	Manslaughter,	28th May,
3	Meshack Carter,	40	5 feet, 7½	Blue eyes, dark sandy hair, - - - -	No trade,	Negro stealing,	28th April,
8	Bob Lundy,	28	5 feet, 11	Dark copper color, - - - - -	No trade,	Attempt to rape,	27th Sept.,
5	Edward Williams,	22	6 feet,	Blue eyes and light hair, - - - -	No trade,	Grand Larceny,	21st Oct., 1
5	Daniel Harvel,	29	6 feet, 1½	Brown hair, blue eyes, branded in right hand,	No trade,	Larceny,	16th Oct., 1
5	Ranzy Vaughn,	29	5 feet, 8½	Hazel eyes, black hair, scar on upper lip, -	No trade,	Larceny,	23d April, 1
8	Henry Reed,	24	6 feet,	Blue eyes and light hair, - - - -	Shoemaker,	Larceny,	13th Nov.,

DAVID N. BARROWS, *Clerk.*

Mississippi Penitentiary, Jackson, December 7th, 1844.

[EXHIBIT A.]

STATEMENT

Convicts Pardoned, Discharged and Dead, During the Year, ending 30th November, 1844, at the Mississippi State Penitentiary.

	Occupation.	Crimes.	Date of sentence.	Condnmned at what court.	Date of admission.	Expiration of sentence.	Place of birth.	Unexpired term of sentence.	Terms of pardon.	Time of death.
t,	Blacksmith,	Forgery,	2d Feb., 1840,	Adams circuit court,	23d April, 1840,	2d Feb., 1842,	Tennessee,			
	No trade,	Forgery,	12th April, 1842,	Lowndes circuit court,	21st April, 1842,	12th April, 1844,	Georgia,			
		Manslaughter,	April, 1844,	Smith circuit court,	1st May, 1844,	April, 1851,	South Carolina,		Sent back by writ of error from Judge Sharky,	
		Manslaughter,	April, 1844,	Smith circuit court,	1st May, 1844,	April, 1851,				
	No trade,	Larceny,	4th June, 1842,	Adams circuit court,	11th June, 1842,	4th June, 1844,	Maryland,			
	Milwright,	Larceny,	2d June, 1844,	Newton circuit court,	9th June, 1842,	2d June, 1844,	Tennessee,			
	No trade,	Bigamy,	15th Oct., 1841,	Lowndes circuit court,	26th Oct., 1841,	15th Oct., 1844,	North Carolina,			26th June, 1841,
	Sailor,	Larceny,	12th June, 1844,	Warren circuit court,	13th June, 1844,	12th June, 1846,	Denmark,			27th June, 1844,
	Carpenter,	Manslaughter,	28th May, 1841,	Tallahatchie circuit court,	4th June, 1841,	28th May, 1846,	Virginia,	1 year 10 months 21 days,	6th July, 1844,	
	No trade,	Negro stealing,	28th April, 1843,	Kemper circuit court.	3d May, 1843,	28th April, 1853.	Kentucky,	8 years 8 months 22 days,	6th Aug., 1844,	
	No trade,	Attempt to rape,	27th Sept., 1839,	Pike circuit court,	11th May, 1840,	27th Sept., 1844,	Mississippi,			
	No trade,	Grand Larceny,	21st Oct., 1842,	Scott circuit court,	24th Oct., 1842,	21st Oct., 1844,	South Carolina,	20 days,	1st Oct., 1844,	
	No trade,	Larceny,	16th Oct., 1839,	Carroll circuit court,	29th April, 1840,	16th Oct., 1844,	North Carolina,			
	No trade,	Larceny,	23d April, 1842,	Noxubee circuit court,	27th April, 1842,	23d Oct., 1844,	Tennessee,			
	Shoemaker,	Larceny,	13th Nov., 1840,	Smith circuit court,	24th Nov., 1840,	13th Nov., 1844,	New York,			

Respectfully submitted,

BENJAMIN G. WEIR, *Superintendent.*

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REPORT.

MISSISSIPPI PENITENTIARY.

CLERK'S OFFICE,
Mississippi Penitentiary, Dec. 8, 1845.

To his Excellency, A. G. BROWN,
Governor of the State of Mississippi.

SIR: I herewith transmit, as directed by the Board of Inspectors, their annual report, together with reports of Superintendent and Physician, and accompanying documents showing in full detail, the operations and condition of this institution, for the fiscal year which closed on the last day of November 1845.

The general account current, and inventory of stock, required by law, have this day been deposited in the Auditor's office.

I am, with respect, your ob't serv't,
D. N. BARROWS, *Clerk.*

MISSISSIPPI PENITENTIARY,
Inspectors Office, Dec. 8, 1845.

To his Excellency, A. G. BROWN,
Governor of the State of Mississippi.

Since our appointment as Inspectors of this institution, we have endeavored earnestly to guard the interests of the State; and in obedience to the requisitions of law, we beg leave to make the following report in relation to the present condition of the Mississippi Penitentiary:

The cells are cleanly, and in excellent order, and the workshops well adapted to the carrying on of the various branches of business pursued in the prison; the buildings have been kept in good repair and the yard clean.

The report of the Superintendent exhibits the number of convicts received during the past year and now remaining in the prison, as well as the crimes for which they were sentenced, and every thing of interest relating thereto.

The prisoners are generally obedient; but few offences occur; and the mode of punishment seems to have the desired effect. The prisoners are well clad in the manufactures of the prison, and fed with strong and substantial food.

In relation to the health of the prison, it is only necessary to refer to the report of the Physician; it is appended, and marked B.

The Ministers of the Gospel of various denominations, have been frequent in their attendance at divine worship on the Sabbath, without the expectation of reward; and to their teachings, may be partly attributed the general orderly and submissive disposition of the prisoners to the discipline of the Superintendent and bye-laws of the prison.

The account current herewith annexed and marked "C," makes a full exhibition of the financial condition of the prison; the amount received and expended; the gain and loss of each department of business, and the net gain to the institution, over and above all expenditures.

Owing to the complicated system of book-keeping heretofore practiced, it has been impossible to show the profit and loss of each branch of business pursued in the prison; this system was wisely changed by the last legislature, and a plain and simple one adopted, which exhibits at a glance, the loss and gain of each department.

The prison is entirely free from debt, with a balance in its favor of $5,110 02, and its prospects justify the conclusion, that for the future, instead of being a tax upon the treasury, it will yield a handsome revenue to the State.

We take occasion to express our decided approbation of the very efficient manner in which the present Superintendent has managed the affairs and conducted the operations of the institution.

The assistant keeper has faithfully and promptly discher-

ged his duty, and his conduct meets the approval of the board.

The Clerk is in every way competent to the discharge of his duties, which have received his constant attention; his books have been kept correctly, and in a busines manner; and as Secretary of the Board of Inspectors, has given full satisfaction.

The subordinate officers of the prison are men of good habits, are obedient to their superiors and attentive to their duties.

All of which is respectfully submitted.

Signed. RICHARD P. WINSLOW, J. C. FOREST, GEORGE R. FALL, } *Inspectors.*

Attest, D. N. BARROWS, *Secretary.*

[EXHIBIT A.]

MISSISSIPPI PENITENTIARY,
Superintendents Office, Dec. 5, 1845.

To R. P. WINSLOW, J. C. FOREST and G. R. FALL,
Inspectors of the Mississippi Penitentiary.

GENTLEMEN: I have the honor to submit to you my annual report, ending the 30th day of November. It will be seen by document marked A, that the gain to the institution amounts to $5,110 2-100.

You will find an account of all the manufactured articles, and all the stock and property belonging to the prison, in document marked B.

The whole number of convicts in the prison at the expiration of the fiscal year in 1844, were 84; received since that time, 23, making 107, out of which, 15 have been discharged by expiration of sentence, 2 by writ of error, 5 by executive pardon and 1 by death, leaving now in confinement 84. I consider it proper to remark here, that two of the pardons referred to above, were granted by his Excellency, the Governor, the day before the expiration of sentence, on account of their good behavior during their confinement in prison.

The convicts during the past year have been employed generally as follows:

In blacksmith shop,	12	Driving horses to machine,	1
Wheelwright and harness making,	16	Grinding corn,	3
Shoe shop,	4	Gardening,	1
Spinning, weaving, warping, &c.,	6	Cooking,	3
Carding and cleaning wool,	3	Washing,	2
Painting and carriage trimming,	5	Sweeping and cleaning prison,	2
Brick yard and building cisterns,	19	Old and infirm,	2
		Average sick,	5
	65		19
			65
			84

In document marked C, you will see a statement of the whole number of convicts received in this prison since its commencement, as well as much other information relating thereto, that you may consider useful to the public.

I refer you to the Clerk's books and vouchers in his office to sustain documents A, B, and C. You will find them all plain, comprehensive, neatly kept and correctly balanced.

All the officers under my charge have conducted themselves with fidelity to the trust committed to them, and humanity to the convicts; whilst the latter, with few exceptions, have evinced a quiet, orderly deportment, and have been as cheerful and contented as could be expected under the privation of liberty.

You will perceive by the punishment book, that only 26 punishments have been inflicted during the year, and for the last four months only one; all of which have been of a very mild character.

This prison continues to be afflicted with a number of old and infirm convicts, the most of which were broken down by disease or intemperance, before their reception; one of which, when received, was reported to be 106 years old, is very infirm, and was mentioned in my last annual report as a proper subject for a lunatic assylum, while three others would be more at home in a hospital.

The Rev. Clergy of this city and its vicinity have continued their religious exercises, as usual, in the prison, and I am happy to state, that the attention of the convicts to the word preached is good, and their anxieties for religious exercises, are calculated to inspire me with a hope that the word spoken, has not been "as seed sown by the way side or amongst thorns," but on good ground, and therefore, produced good fruit. Of one thing I am certain, that the religious exercises here, have a tendency to make the observance of discipline on the part of the convicts, comparatively easy, and the necessity of punishment very rare.

I feel, gentlemen, under continued obligations to you, for your instructions and advice during the year, and for your willingness to assist me in all that seemed best for the interest as well as the good of the institution.

Very respectfully, your ob't serv't,

Signed, BENJ. G. WEIR, *Superintendent.*

[EXHIBIT B.]

JACKSON, MISS. Dec. 2, 1845.

To the Board of Inspectors of the Mississippi Penitentiary:

GENTLEMEN: At no time since the establishment of this institution, has the health of the prisoners been better than during the past fall.

In the months of March, April and May, diarrhea and dissentary prevailed to a greater extent than usual, but on comparing the aggregate amount of cases of every description, which have received medical aid, throughout the present with the past year, the result in point of health, is decidedly in favor of this year.

A case of chronic diarrhea terminated fatally a short time after having entered the prison. This is the only death that has occurred in the Penitentiary since my last annual report.

Very respectfully, your ob't serv't,

Signed, WM. S. LANGLEY, *Physician and Surgeon to the Penitentiary.*

STATEMENT Showing the number of Convicts in the Mississippi Penitentiary, November 30, 1845.

Nos.	Names.	Age.	Crimes.	Where Condemned.		Date of Admission.	Expiration of Sentence.	Place of Birth.
1	John Frazier,	20	Horse stealing,	Hinds,	C. C.	Oct. 31, 1840	Oct. 27, 1850	N. Carolina,
2	Royal Sparks,	33	Manslaughter,	Lowndes,	"	April 18, 1844	April 9, 1848	Virginia,
3	John Greeson,	33	Robbery,	Itawamba,	"	" 15, 1840	" 15, 1850	Georgia,
4	Tho's Walton,	40	Arson,	Lowndes,	"	" 18, 1844	" 9, 1851	N. Carolina,
6	James Erickson,	29	Larceny,	Wilkinson,	"	" 30, 1845	" 21, 1849	Denmark,
7	Seaborn Sanford,	29	Murder,	Noxubee,	"	" 26, 1843	" 22, 1853	Georgia,
8	George Armsrong,	40	Larceny,	Harrison,	"	" 22, 1845	" 2, 1850	Ireland,
9	Stephen F. Peak,	26	Manslaughter,	Marion,	"	" 20, 1844	" 11, 1850	Mississippi,
10	Robert Strong,	30	Negro stealing,	Adams,	"	June, 17, 1845	LIFE.	Massachu's,
11	John Furguson,	36	Negro stealing,	Holmes,	"	Nov. 8, 1844	Nov. 8, 1854	Vermont,
12	Charles Covy,	23	Grand larceny,	Lowndes,	"	April 21, 1842	April 14, 1846	Georgia,
13	Benj. S. Rheams,	32	Grand larceny,	Adams,	"	Dec. 20, 1842	Dec. 17, 1846	Louisiana,
14	James Cottenham,	28	Assault and battery,	Leake,	"	Oct. 8, 1842	Oct. 8, 1848	Tennessee,
15	John Ober,	32	Burglary,	Adams,	"	June 17, 1845	June 12, 1851	Pennsylvania
16	William Brantley,	23	Manslaughter,	Warren,	"	May 27, 1845	May 7, 1852	Alabama,
17	Daniel Boyle,	26	Larceny,	Wilkinson,	"	Oct. 21, 1843	Oct. 6, 1847	Ireland,
18	Tho's C. Brooks,	55	Manslaughter,	Itawamba,	"	Nov. 6, 1844	Nov. 6, 1851	N. Carolina,
20	Wm. H. Garrett,	22	Negro stealing,	Monroe,	"	Nov. 6, 1843	Oct. 27, 1853	New York,
21	George Tyler,	18	Negro stealing,	Hinds,	"	Oct. 10, 1840	Oct. 9, 1850	Ohio,
22	*Jas. M. Thomason, alias John Carroll,	25	Forgery,	Lowndes,	"	Oct. 23, 1845	Oct. 23, 1850	Virginia,

23	John B. Wilson,	26	Shooting to kill,	Adams,	"	Dec.	28, 1841	Dec.	11, 1851	Missouri,
24	William Wev,	40	Larceny,	Wilkinson,	"	Nov.	9, 1841	Oct.	21, 1846	Tennessee,
26	Francis D. Talcott,	38	Negro stealing,	Adams,	"	June	9, 1843	June	7, 1855	Massachu's,
27	Geo. W. Reddings,	27	Negro stealing,	Hinds,	"	Oct.	20, 1840	Oct.	15, 1850	N. Carolina,
28	Elijah Dick,	43	Assault to kill his wife,	Monroe,	"	May	15, 1845	May	8, 1852	S. Carolina,
29	John Folly,	28	Bigamy,	Adams,	"	June	11, 1842	June	4, 1847	Ireland,
30	Jas. A. Hall,	32	Assault to kill,	Tippah,	"	Oct.	14, 1845	Oct.	2, 1849	S. Carolina,
31	Lewis E. Gayerre,	34	Negro stealing,	Noxubee,	"	May	7, 1845	April	25, 1855	Louisiana,
32	Henry Maxey,	39	Grand larceny,	Hancock,	"	April	23, 1841	April	8, 1846	Ohio,
33	Isaac Tumey,	31	Rape,	Claiborne,	"	June	24, 1845	June	11, 1865	Kentucky,
34	Geo. W. Lipscomb,	27	Manslaughter,	Lafayette,	"	Dec.	6, 1843	Nov.	28, 1858	Virginia,
35	Hosea McDermit,	19	Larceny,	Monroe,	"	May	15, 1845	May	6, 1850	Georgia,
36	Wm. W. Wilson,	22	Negro stealing,	Pontotoc,	"	May	26, 1841	May	20, 1851	Tennessee,
37	Andrew J. Archer,	31	Grand larceny,	Warren,	"	July	8, 1844	June	22, 1849	Virginia,
38	John Wintermot,	40	Robbery,	Adams,	"	June	30, 1841	June	26, 1851	New York,
39	John Taylor,	42	Horse stealing,	Adams,	"	June	30, 1841	June	26, 1846	N. Carolina,
40	Jas. M. Buttorff,	81	Larceny,	Adams,	"	June	30, 1843	June	7, 1851	Indiana,
41	Jas. F. Saunders,	25	Grand larceny,	Adams,	"	Dec.	28, 1841	Dec.	11, 1845	Virginia,
42	Jacob Crawford,	33	Having forged notes,	Adams,	"	Dec.	28, 1841	Dec.	11, 1847	Kentucky,
43	Jesse Ford,	18	Negro stealing,	Madison,	"	May	28, 1842	May	22, 1852	Mississippi,
44	Mathias Elmore,	30	Manslaughter,	Jasper,	"	Jan.	9, 1842	Jan.	7, 1849	S. Carolina,
45	William Reese,	31	Negro stealing,	Lowndes,	"	Oct.	25, 1844	Oct.	25, 1854	England,
46	John. S. Hopkins,	27	Negro stealing,	Jefferson,	"	May	12, 1842	May	7, 1854	New York,
47	Samuel Henry,	18	Manslaughter,	Madison,	"	May	14, 1842	May	1, 1847	Alabama,
48	Edward H. Cassady,	27	Grand larceny,	Warren,	"	May	18, 1842	May	8, 1847	Pennsylvania
49	Andrew Buill,	62	Burglary,	Adams,	"	June	11, 1844	June	1, 1856	New York,
50	Thomas Perceill,	29	Larceny,	Warren,	"	June	13, 1844	June	78, 1849	Ireland,

STATEMENT Showing the number of Convicts in the Mississippi Penitentiary, Nov. 30, 1845,—Continued.

Nos.	Names.	Age.	Crimes.	Where Condemned.	Date of Admission.	Expiration of Sentence.	Place of Birth.
51	John Harkley,	106	Assault to kill,	Adams, "	June 9, 1843	June 7, 1849	St. Domingo,
52	Benj. Haggany,	33	Larceny,	Adams, "	Dec. 20, 1843	Dec. 16, 1845	Delaware,
53	Robert Clements,	22	Larceny,	Green, "	April 14, 1845	April 14, 1847	S. Carolina,
54	Wm. Hill,	29	Larceny,	Leake, "	Oct. 11, 1845	Oct. 11, 1847	Virginia,
55	John Kooney,	34	Assault to kill,	Warren, "	Dec. 12, 1844	Nov. 23, 1847	Ireland,
56	Frederick Rhodes,	38	Grand larceny,	Tishemingo, "	Oct. 31, 1842	Oct. 12, 1847	Austria,
57	Abijah W. Dunn,	38	Manslaughter,	Madison, "	Mar. 12, 1845	Mar. 12, 1847	Ohio,
58	Peter West,	43	Larceny,	Marion, "	April 25, 1845	April 17, 1848	New York,
59	Jim alias Tunnubee,	22	Rape,	Newton, "	June 10, 1845	June 10, 1866	Choc'w nati'n
60	Daniel S. McCoy,	25	Grand larceny,	Jackson, "	April 4, 1843	Mar. 29, 1847	New York,
61	Ernest Sims,	20	Abetting to murder,	Carrol, "	April 24, 1845	April 24, 1847	Mississippi,
62	Wm. Winston,	49	Manslaughter,	Adams, "	June 17, 1845	June 12, 1847	Virginia,
63	Andrew J. Carter,	26	Larceny,	Tishemingo, "	May 2, 1843	April 13, 1846	Virginia,
64	Wm. Owens,	27	Grand larceny,	Tishemingo, "	May 2, 1843	April 13, 1846	Virginia,
65	James Tindal,	27	Perjury,	Kemper, "	May 3, 1843	April 28, 1847	Georgia,
66	James Fannan,	29	Grand larceny,	Warren, "	May 12, 1843	May 4, 1846	England,
67	John F. Teague,	17	Larceny,	Monroe, "	May 15, 1845	May 1, 1849	S. Carolina,
68	N. B. Ramsey,	23	Larceny,	Jasper, "	May 17, 1843	May 13, 1846	Maryland,
69	David A. C. Hyatt,	27	Larceny,	Hinds, "	July 5, 1845	July 3, 1849	Ohio,
70	Adams C. Snyder,	26	Grand larceny,	Adams, "	June 9, 1843	June 7, 1846	New York,
71	Mark Waters,	22	Grand larceny,	Choctaw, "	Sep. 23, 1843	Sept. 25, 1846	Alabama,

72	George Condeia,	17	Larceny,	Hancock,	"	April 11, 1844	April 3, 1846	Pennsylvania
73	Wm. W. Gray,	21	Forgery,	Tippah,	"	April 21, 1844	April 1, 1849	Alabama,
74	Geo. Y. Martin,	18	Grand larceny,	Tishemingo,	"	April 21, 1844	April 10, 1846	Alabama,
75	James Cook,	32	Manslaughter,	Coahoma,	"	April 25, 1844	April 18, 1849	Indiana,
76	Wm. D. Nixon,	34	Manslaughter,	Itawamba,	"	April 27, 1844	April 20, 1854	S. Carolina,
77	J. S. McLaughlin,	23	Larceny,	Lafayette,	"	June 7, 1844	May 27, 1846	New York,
78	Benjamin Flagg,	21	Burglary,	Adams,	"	June 11, 1844	June 6, 1846	Scotland,
79	James Scott,	28	Larceny,	Adams,	"	June 11, 1844	June 6, 1847	Illinois,
80	Geo. W. Edwards,	26	Larceny,	Warren,	"	June 13, 1844	June 11, 1846	Ohio,
81	Weller Miller,	37	Larceny,	Hinds,	"	July 16, 1844	July 15, 1846	Pennsylvania
82	Jno. A. Gardner,	20	Larceny,	Jasper,	"	May 20, 1845	May 27, 1847	Massachu's,
83	Carter Dalton,	53	Reciving stolen goods,	Lowndes,	"	Oct. 25, 1844	Oct. 25, 1846	Virginia,
84	James Adams,	55	Attempt to rape,	Pike,	"	Oct. 31, 1844	Oct. 31, 1849	Illinois,
85	Griffin Jackson,	20	Larceny,	Monroe,	"	Nov. 15, 1844	Nov. 15, 1846	Mississippi,
86	John Smith,	20	Horse stealing,	Lowndes,	"	Oct. 23, 1845	Oct. 23, 1848	Tennessee,
87	Ch's W. Dodson,	23	Larceny,	Carroll,	"	Oct. 24, 1845	Oct. 16, 1847	England,
—	*Committed to this prison for the 2nd time.							
84								

BENJAMIN G. WEIR, *Superintendent.*

Attest, D. N. BARROWS, *Clerk.*

STATEMENT Showing the number of Convicts pardoned, discharged, and dead, during the year ending November 30, 1845, at the Mississippi Penitentiary.

Names.	Age.	Crimes.	Where Condemned.	Date of Admission.	Expiration of Sentence.	Place of Birth.	Remarks.
Geo. Vaughan,	54	Shooting to kill,	Lowndes, C. C.	Oct. 16, 1844	Oct 25, 1846	S. Carolina,	Sent back by writ of error,
Wm. Phillips,	20	Petty larceny,	Adams, "	Dec. 11, 1842	Dec 17, 1844	Tennessee,	
Benj. Gray,	23	Petty larceny,	Adams, "	" "	" "	Virginia,	
Wm. M. Finney,	36	Petty larceny,	Adams, "	" "	" "	Wash'ton city	
Chas. Wayne,	28	Petty larceny,	Adams, "	" "	" "	New York,	
Virgil A. Randall,	35	Negro stealing,	Jasper, "	Nov 16, 1844	Nov 20, 1854	Mississippi,	do. do.
Michael Landers,	40	Negro stealing,	Jefferson, "	Nov 15, 1844	Nov 15, 1854	Pennsylvania,	Died Mar. 12, 1845,
Jas. Manly,	23	Grand larceny,	Choctaw, "	Mar 21, 1844	Mar 27, 1845	N. Carolina,	
Harrison Simpson,	31	Petty larceny,	Wilkinson, "	Ap'l 12, 1843	April 12, 1845	Indiana,	
Wm. Williams,	28	Grand larceny,	Holmes, "	Ap'l 23, 1843	April 24, 1845	Louisiana,	
Joseph H. Robberts,	25	Assault to kill,	Lowndes, "	Oct 19, 1844	Oct 25, 1846	Alabama,	Pardoned Ap'l 26, 1845,
Jno. Carrol, alias Jas. M. Thomason,	25	Grand larceny,	Warren, "	May 11, 1843	May 5, 1845	Virginia,	
John Tothill,	31	Grand larceny,	Pike, "	May 8, 1841	May 8, 1845	Ireland,	
Wm. H. Helmer,	19	Larceny,	Warren, "	May 22, 1840	May 22, 1845	New York,	
Phillip W. Miller,	23	Burglary,	Claiborne, "	June 9, 1840	June 1, 1845	Ohio,	
J. Gould Murray,	23	Burglary,	Claiborne, "	June 9, 1840	June 1, 1845	Ohio,	
Alex. Babcock,	32	Petty larceny,	Adams, "	June 7, 1843	June 7, 1845	New York,	
John Dyas,	52	Rape,	Pike, "	Oct 20, 1843	Oct 20, 1853	S. Carolina,	do. July 11, 1845.
Wm. S. Goodwyne,	28	Manslaughter,	Lowndes, "	Oct 16, 1844	Oct 16, 1851	Alabama,	do. July 17, 1845.

Jno. M. Crownritch,	28	Forgery,	Wilkinson,	"	Oct 21, 1841	Oct 21, 1845	Poland,	do. Oct 20, '45
Jas. Eakin,	24	Grand larceny,	Scott,	"	Oct 21, 1842	Oct 24, 1845	Tennessee,	
Gabriel Coley,	21	Grand larceny,	Holmes,	"	Oct 27, 1841	Oct 27, 1845	Georgia,	do. Oct 25, '45
Jas. Tull,	20	Grand larceny,	Warren,	"	Nov 12, 1840	Nov 12, 1840	New York,	

BENJAMIN G. WEIR, *Superintendent*

Attest, D. N. BARROWS, *Clerk*.

GENERAL STATEMENT of the Convicts in the Mississippi Penitentiary, November 30, 1845.

Whole number receeived since first admission April 15, 1840,	159
Whole number in confinement December 1, 1844, - -	84
Whole number since received, - - - - - -	23
	107
Discharged of this number by expiration of sentence, - -	15
Discharged of this number by writ of error, from High Court of Errrors and Appeals, - - - - - -	2
Discharged of this number by Executive pardon, - - -	5
Discharged of this number by death, - - - -	1
Escaped none,	
	23
Remaining in confinement November 30, 1845, - -	84

FROM WHAT COURTS RECEIVED.

Adams County, - -	18	Lafayette County, - -	2
Lowndes, " - -	7	Pontotoc, " - -	1
Warren, " - -	7	Madison, " - -	3
Hinds, " - -	5	Jasper, " - -	3
Itawamba, " - -	3	Jefferson, " - -	1
Noxubee, " - -	2	Tishemingo, " - -	4
Marion, " - -	2	Jackson, " - -	1
Holmes, " - -	1	Kemper, " - -	1
Leake, " - -	2	Choctaw, " - -	1
Wilkinson, " - -	3	Tippah, " - -	2
Monroe, " - -	5	Coahoma, " - -	1
Hancock, " - -	2	Pike, " - -	1
Carroll, " - -	2	Green, " - -	1
Newton, " - -	1	Harrison, " - -	1
Claiborne, " - -	1	Total,	84

TERMS OF SENTENCE.

During life, - - -	1	For 6 years, - - -	4
For 20 years, - - -	1	For 5 " - - -	14
For 15 " - - -	2	For 4 " - - -	11
For 12 " - - -	3	For 3 " - - -	10
For 10 " - - -	14	For 2 " - - -	16
For 8 " - - -	1		
For 7 " - - -	7	Total,	84

GENERAL STATEMENT of the Convicts in the Mississippi Penitentiary, Nov. 30, 1845.—Continued.

CRIMES.

Horse stealing,	3	Negro stealing,	11
Manslaughter,	11	Rape,	2
Robbery,	2	Shooting to kill,	2
Arson,	1	Bigamy,	1
Murder, (Sentence commuted,)	1	Forgery,	2
Grand larceny,	14	Having forged notes in possesion	1
Petty larceny,	22	Burglary,	3
Assault and battery to kill,	3	Perjury,	1
Receiving stolen goods,	1	Assault to kill his wife,	1
Attempt to commit rape,	1	Aiding to commit murder,	1
		Total,	84

PLACE OF NATIVITY.

Vermont,	1	Ohio,	5
Massachusetts,	3	Missouri,	1
New York,	8	Alabama,	5
Pennsylvania,	4	Mississippi,	4
Virginia,	10	Louisiana,	2
Maryland,	1	England,	3
Delaware,	1	Ireland,	5
North Carolina,	5	Scotland,	1
South Carolina,	6	Denmark,	1
Georgia,	5	Austria,	1
Tennessee,	4	St. Domingo,	1
Kentucky,	2	Choctaw nation,	1
Indiana,	2		
Illinois,	2	Total,	84

OCCUPATIONS WHEN COMMITTED.

Blacksmiths,	3	Printers,	2
Wheelwrights,	2	Glass Blower,	1
Cabinet makers,	2	Physician,	1
Shoemakers,	2	Gun smith,	1
Painter,	1	Without trades,	67
Tailor,	1		
Sailor,	1	Total,	84

AGE WHEN COMMITTED.

From 17 to 20 years,	12	From 50 to 60 years,	3
From 20 to 30 "	36	From 60 to 70 "	1
From 30 to 40 "	25	106 "	1
From 40 to 50 "	6	Total,	84

GENERAL STATEMENT of the Convicts in the Mississippi Penitentiary, Nov. 30, 1845,—Concluded.

RELATIONS.

White males,	81	Unmarried,	56
White females none,		Married,	24
Black males,	3	Widowers,	4
Black females none,			
	—	Total,	84
Total,	84		

BENJ. G. WEIR, *Superintendent.*

Attest, D. N. BARROWS, *Clerk.*

STATEMENT showing the operations of the Mississippi State Penitentiary from the 1st Dec., 1844, to the 30th Nov., 1845.

[Exhibit C.]

MANUFACTURED ARTICLES.

				Dr.
1844.				
	Dec. 1st.	To	Stock on hand this day,	3,709 22
1845.	" "	"	Am't charged to this acc't since,	8,600 50
"	" "	"	Balance being gain,	872 05
				$13,181 77

				Cr.
1845.				
	Dec. 1st.	By	Amount sold for Cash,	7,272 17
	" "	"	Stock on hand,	5,909 60
				$13,181 77

(*STATEMENT—Continued.*)

BLACKSMITH SHOP.

			Dr.
1844.	Dec. 1st.	To Stock and Tools on hand, :	1,917 71
1845.	" "	" " " " since purchased,	2,740 91
"	" "	" Balance being gain, : :	3,390 61
			$8,049 23

			Cr.
1845.	Dec. 1st.	By Amount rec'd and charg'd to date,	6,906 01
	" "	" Stock and Tools on hand, :	1,143 22
			$8,049 23

WHEELWRIGHT SHOP.

			Dr.
1844.	Dec. 1st.	To Stock and Tools on hand, :	2,882 45
1845.	" "	" " " " since purchased,	3,925 52
"	" "	" Balance being gain, : :	5,504 04
			$12,312 01

			Cr.
1845.	Dec. 1st.	By Am't rec'd and charg'd to date,	10,032 51
	" "	" Stock and Tools on hand, :	2,279 50
			$12,312 01

SHOEMAKERS SHOP.

			Dr.
1844.	Dec. 1st.	To Stock and Tools on hand, :	215 42
1845.	" "	" " " " since purchased,	587 80
"	" "	" Balance being gain, : :	477 51
			$1,280 73

			Cr.
1845.	Dec. 1st.	By Am't rec'd and charg'd to date,	1,096 68
	" "	" Stock and Tools on hand, :	184 04
			$1,280 73

(*STATEMENT—Continued.*)

WEAVERS, TAILORS AND WOOL-CARDERS SHOP.

1844.			*Dr.*
	Dec. 1st.	To Stock and Tools on hand, :	1,323 60
1845.	" "	" " " " since purchased,	269 05
"	" "	" Balance being gain, : :	904 89
			$2,497 54

1845.			*Cr.*
	Dec. 1st.	By Am't rec'd and charg'd to date,	1,227 79
	" "	" Stock and Tools on hand, :	1,269 75
			$2,497 54

BRICK YARD.

1844.			*Dr.*
	Dec. 1st.	To Stock and Tools on hand, :	713 50
1845.	" "	" " " " since purchased,	344 87
"	" "	" Balance being gain, : :	3,535 02
			$4,593 39

1845.			*Cr.*
	Dec. 1st.	By Am't rec'd and charg'd to date,	3,847 89
	" "	" Stock and Tools on hand, :	745 50
			$4,593 39

THE STATE OF MISSISSIPPI.

1844.			*Dr.*
	Dec. 1st.	To Stock Convict Clothing on hand,	22 75
1845.	" "	" Charges to this account to date,	4,971 58
"	" "	" Balance being amount received,	253 42
			$5,247 75

1845.			*Cr.*
	Dec. 1st.	By Am't credited Dft's on the Auditor,	5,229 00
	" "	" Stock, Convict Clothing, :	18 75
			$5,247 75

(*STATEMENT—Continued.*)

FORAGE AND FUEL ACCOUNT.

1844.			*Dr.*
	Dec. 1st.	To Stock on hand, : : :	450 00
1845.	" "	" Purchased up to date, : :	1,030 69
			$1,480 69
1845.			*Cr.*
	Dec. 1st.	By Stock on hand, : : :	400 00
	" "	" Balance being amount consumed,	1,080 69
			$1,480 69

PROVISION ACCOUNT.

1844.			*Dr.*
	Dec. 1st.	To Stock on hand, : : :	486 10
1845.	" "	" Amount since purchased to date,	2,785 24
			$3,271 34
1845.			*Cr.*
	Dec. 1st.	By Amount credited up to date, :	182 40
	" "	" " Stock on hand, : :	485 50
	" "	" Balance being amount consumed,	2,603 44
			$3,271 34

HOSPITAL.

1844.			*Dr.*
	Dec. 1st.	To Stock on hand, : : :	83 24
	" "	" Amount purchased up to date,	85 79
			$169 03
1845.			*Cr.*
	Dec. 1st.	By Stock on hand, : : :	77 75
	" "	" Balance being amount consumed,	91 28
			$169 03

(*STATEMENT—Concluded.*)

RECAPITULATION.

INCOME.

From Profit on Sales Manufactured articles,	872	05
" " in Blacksmith shop,	3,390	61
" " " Wheelwright "	5,504	04
" " " Shoemakers "	477	51
" " " Weavers, Tailors and Carders shop,	904	89
" " " Brick Yard,	3,535	02
" " " Job and out door work,	1,543	00
" The State of Mississippi,	253	42
" Stock and Tools on hand, Dec. 1, 1845,	13,931	12
" Cash on hand, Dec. 1, 1845,	3,359	37
	$33,771	03

EXPENDITURES.

For Forage and Fuel account,	1,080	69
" Provision,	2,603	44
" Hospital,	91	28
" Convicts discharged,	262	00
" Books and Stationery,	73	04
" Contingencies,	530	73
" Inspectors, (per diem,)	104	00
" Freight and Hauling,	310	65
" Officers Salaries,	4,180	00
" Guards,	4,004	00
" Master Workman's Salary,	232	50
" Oil and Lights	454	20
" Stock and Tools on hand, Dec. 1, 1844,	18,172	74
" Cash on hand, Dec. 1, 1844,	1,561	74
" Balance being nett gain,	5,110	02
	$33,771	03

1845. Dec. 1st. To Balance nett gain last year, $5,110 02

E. & O. E.

BENJAMIN G. WEIR, *Superintendent.*

Attest, DAVID N. BARROWS, *Clerk.*

The message having been read,

On motion of Mr. Cushman,

It was laid on the table.

Mr. Wade offered the following resolution, viz:

Resolved, That 2,000 copies of the Governor's message be printed, and that the message be made the order of the day in Committee of the Whole to-morrow at 3 o'clock.

Mr. Harris moved to strike out 2,000,

Which was carried.

Mr. Kennedy moved to insert 3,000,

Which was carried; and,

The resolution then passed as amended.

The following message was received from the Senate, by Mr. Wilcox, their Secretary:

MR. SPEAKER—The Senate have adopted the following resolution:

Resolved, (with the concurrence of the House of Representatives,) That the two Houses convene in the Representative Hall on Thursday the 8th inst., at 12 o'clock, M, in order that the returns of election for Governor of the State, at the late November election may be opened and published.

On motion of Mr. Wade,

The above resolution of the Senate was concurred in.

On motion of Mr. Fontaine,

The House adjourned until to-morrow morning 10 o'clock.

WEDNESEAY, JANUARY 7, 1846.

The House met pursuant to adjournment.

A message from the Senate by Mr Wilcox their secretary:

MR. SPEAKER—The Senate have concurred in the resolution from the House of Representatives in relation to the reduction of the price of public printing, and the blank in said resolution, filled with the number 3; Messrs. Matthews, Horne and Landsdale.

Mr. Harrison, member elect from the county of Ponola, presented his credentials and was duly qualified.

The chair announced the appointment of the following standing committees of this House.

On Elections—Messrs. Gilleland, Holleman, Pope Pettus, Binford.

On Ways and Means—Messrs. Wade, Gibbs, Emanuel, Green of Hinds, Abbott, Foster and Weathersby.

On Unfinished Business—Messrs. Spann, Hinds, Torry, Guy White, Metcalf, and Loper.

On Propositions and grievances—Messrs. Singleton, York, Fowles, Bynum, Campbell, Moody and Nash.

On the Judiciary—Messrs. Totten, Smiley, Fontaine, Harris, North, Lemley and Maxcy.

On Internal Improvement—Messrs. Farrar, Malone, Kennedy, Allen, Dilworth of Monroe, Baily and Carson.

On County Boundaries—Messrs. Warren, Buford, Chewning, McInnis, Greaves, Hughes and Alcorn.

JOINT STANDING COMMITTEES.

On Claims—Messrs Connell, Huie, Ponts, Smith of Washington, and Millsaps.

On Accounts—Messrs. Cannon, Sharkey, Hyneman, Ewing and Rushing.

On Enrolled Bills—Messrs. Sessions, Walker, White, Adams and Simmons.

On the Penitentiary—On the part of the House, Messrs. McCaughan, Woodbarry, Netterville, Rossman, May and Griffin.

On motion of Mr. Totten,

Mr. Campbell was added to the Judiciary Committee.

On motion of Mr. Farrar,

Mr. Sharkey was added to the Committee on Internal Improvement.

On motion of Mr. Hinds,

Mr. Beene was added to the same committee.

On motion of Mr. Wade,

Mr. Kennedy was added to the Committee on Ways and Means.

On motion of Mr. Smith, of Washington,

Mr. Allen was added to the Committee on Claims.

On motion of Mr. Greaves,

Mr. White was added to the Committee on Internal Improvement.

On motion of Mr. Metcalf,

Mr. McNabb was added to the same committee.

Mr. Harris offered the following resolution, viz:

Resolved, That the 40th rule of this House be amended as follows: After the words "and a committee on enrolled bills to consist of five members," insert "and a committee on the militia and military affairs to consist of five members."

Mr. Cushman rose to a point of order, stating the 63d rule of this House required one day's previous notice to be given before alteration could be made.

Without considering the point of order,

The House adopted the resolution; and,

Messrs. Harris, Connell, Pendleton, Greaves and Smiley, appointed said committee.

The resolution requiring the clerk to have one hundred copies of the Rules of this House printed, was taken up, and

On motion of Mr. Wade,

Referred to a committee of three, consisting of Messrs. Wade, Bynum, and Spann.

On motion of Mr. Connell,

Mr. Abbott was added to the military committee.

On motion of Mr. Binford,

Mr. Ewing was added to the same committee.

On motion of Mr. Beaty,

Mr. Alcorn was added to the committee on Internal Improvement.

Mr. Metcalf moved that Mr. Loper be added to the same committee;

Which was lost.

Mr. Pendleton moved that Mr. North be added to the military committee;

Which was lost.

Mr. Connell offered the following resolution:

Resolved, That a committee of three be appointed to examine the documents accompanying the Governor's Message, and select such as are worthy of publication;

Which was adopted.

The Chair appointed Messrs. Connell, Fontaine and Emanuel, as said committee.

Mr. Wade from the committee to whom was referred the resolution relative to the printing one hundred copies of the Rules of

the House, reported that they have had the same under consideration, and ask leave to recommend certain accompanying amendments, and recommend the adoption of the resolution as amended.

On motion of Mr. Harris,

The above report was laid on the table.

Mr. Allen offered the following resolution, viz:

Resolved, That a Committee on Education be appointed to consist of five members;

Which was adopted.

The Chair appointed Messrs. Allen, Cushman, Woodbury, Sharkey and Campbell.

Mr. Hinds offered the following resolution, viz:

Resolved, That the Door-keeper of the House furnish each member thereof with twenty copies of the Governor's message, as soon as convenient;

Which was adopted.

The following message was received from the Seenate by Mr. Wilcox their secretary, viz:

Mr. Speaker—The Senate have given leave to the introduction of bills of the following titles:

A bill to be entitled an act to amend an act entitled an act to amend the several acts of limitations, approved the 24th February, 1844.

A bill to be entitled an act to amend the Constitutitution of the State of Mississippi.

And have adopted the following resolution:

Resolved, (the House of Representatives concurring,) That the two Houses meet in the Hall of the House of Representatives, at 11 o'clock, on Saturday next, to proceed to the election of a Senator in the Congress of the United States, to fill the vacancy occasioned by the resignation of Mr. Walker, and also a Senator for the regular term of six years;

In which I am instructed to desire the concurrence of the House of Representatives.

On motion of Mr. Smiley,

The above resolution from the Senate was concurred in.

On motion of Mr. Gilleland,

The House took a recess to the end that the Hall might be prepared for the reception of the Senate.

The recess having expired, the House resumed its session.

The Senate having been informed that the House was ready for their reception, preceeded by the Door-keeper, entered the hall, and took the seats assigned them.

The President having explained the object of the joint assemblage;

Mr. Boone, of the Senate, moved that the election be *viva voce*; Which was lost.

The two Houses then proceeded to the election of a Sergeant-at-arms;

Mr. Dupree of the Senate, and Martin of the House acting as tellers.

Mr. Greaves of the House, nominated Gen. T. C. McMakin,

Mr. Ramsay of the Senate, nominated Mr. Jas. Carpenter, of Perry.

Mr. Dupree of the Senate, nominated Mr. J. M. Towns, of Hinds.

Mr. Tillman of the Senate, nominated Mr. Reuben Leech, of Copiah.

The two Houses then proceeded to ballot for the respective nominees, and upon counting the votes, it appeared that

Mr. McMakin	received	49	votes.
" Carpenter	"	6	"
" Towns	"	27	"
" Leech	"	44	"
" McMikel	"	1	"
" Blank	"	1	"

Neither gentlemen having received a majority of the votes taken, the two Houses proceeded to a second balloting.

Upon counting the second ballot, it appeared that

Mr. McMakin	received	50	votes.
" Towns	"	18	"
" Leech	"	60	"

No choice being made, the two Houses proceeded to a third ballotting which resulted as follows:

Mr. McMakin	received	52	votes.
" Leach	"	72	"
" Towns	"	4	"

The President then declared that Mr. Leech having received a

majority of all the votes given, was duly and constitutionally elected Sergeat-at-arms; who being sworn by the Clerk, entered upon the discharge of his official duties.

Mr. Metcalf moved that the two Houses proceed to the election of Keeper of the Capitol and Librarian.

Mr. Briscoe of the Senate, moved to amend the motion by voting *viva voce*.

The question was then taken, and the motion carried as amended.

Mr. Dupree of the Senate, put in nomination J. F. Quinn of Hinds.

Mr. McNabb of the House, nominated Geo. W. Jones.

Mr. Beene of the House, nominated Mr. Shannon.

Mr. Matthews of the Senate, nominated Mr. Dismukes.

Mr. Rossman of the House, nominated Mr. James M. Lewis, of Hinds.

Mr. Singleton of the House, nominated Mr. G. W. Conn.

Mr. Lumpkin of the Senate, nominated Mr. J. E. Cravens, of Monroe.

Mr. York of the House, nominated Mr. J. Kitrell.

The two Aouses then proceeded to the election. which resulted as follows:

Mr. Quinn	received	1	vote.
" Jones	"	5	"
" Shannon,	"	19	"
" Dismukes	"	14	"
" Lewis	"	39	"
" Conn	"	29	"
" Cravens	"	12	"
" Kitrell	"	2	"

Neither gentlemen having received a majority of the votes given, the two Houses proceeded to vote a second time; whereupon

Mr. Quinn	received	1	vote.
" Shannon	"	21	"
" Dismukes	"	1	"
" Lewis	"	60	"
" Conn	"	47	"
" Cravens	"	5	"

Neither gentlemen having received a majority of the votes

given, the two houses proceeded to vote a third time, whereupon

Mr. Lewis received 86 votes.
" Shannon " 15 "
" Conn " 23 "

The President then declared that Mr. Lewis having received a majority of the votes given, was duly and constitutionally elected keeper of the Capitol and State Librarian.

The two Houses having accomplished the business for which they convened, the Senate retired.

The Chair then presented to the House a communication from the Auditor of Public Accounts.

AUDITOR'S OFFICE,
January 6th, 1846.

Hon. Jas. Whitfield, Speaker of the House of Representatives:

SIR: I have the honor to acknowledge the receipt of a resolution of the House of Representatives of this date, instructing me "to lay before the House the amount of money paid on account of the public printing, with the amount paid for each item thereof, for the last four years." In reply to which I will state, that there was paid, first:

On the 7th of March, 1842, warrants were issued to Chas. M. Price, by virtue of an appropriation for the public printing, for 1842,	$4,247 00
On the same day, there were issued to said Price, by virtue of an appropriation for printing done from 25th of February, 1841, to 1st of January, 1842, for the State,	2,053 00
On the same day, there was issued to said Price, by virtue of an appropriation for balance due him for printing for 1840,	812 50
On the same day, there were issued to said Price, on account of an appropriation for printing 1,000 copies of the report of the Committee on Federal and State Relations,	40 10
On the 25th of May, 1842, there were warrants issued to Price & Fall, for the publication of the Laws in the Mississippian,	100 00
On the 25th of May, 1842, there were issued to Price & Fall, for printing two reams of civil commissions, by order of Lewis G. Gallaway, Secretary of State, the sum of	120 00
On same day there were issued for printing two reams of military commissions, by order of Lewis G. Gallaway, Secretary of State,	120 00

On the 13th day of June, 1842, there were issued to George R. Fall, for printing one ream of blank certificates, by order of the Governor,	50 00
On the 29th of June, 1842, there were issued to George R. Fall, for printing the Journals of the Senate, for the January and February session, 1842,	2,683 75
On the same day there were issued to G. R. Fall, for printing circular in relation to election for Judge of High Court of Errors and Appeals,	15 00
For printing circular in relation to election for Auditor,	20 00
For printing circular of Adj't General, in relation to collection of public arms,	10 00
For printing resolution of legislature to Congress,	10 00
For printing memorial in relation to pre-emptions,	10 00
For printing resolutions relative to rates of postage,	10 00
For printing resolution in relation to right of search,	20 00
For printing resolution asking donation of land for Railroad,	10 00
For printing resolution in relation to land, ceded by treaty of Dancing Rabit Creek,	10 00
For printing resolution in relation to annexation of Texas,	10 00
For printing resolution in relation to a mail route,	10 00
For printing resolution in relation to extra session of Congress,	20 00
For printing resolution concerning erection of light house,	10 00
For printing resolution relative to new stage line in north Mississippi,	10 00
For printing memorial in relation to 16th sections,	10 00
The last 15 items were done at the request of the Governor.	
On 29th of June, 1842, there were issued to George R. Fall, for printing circular of the Auditor, with the opinion of the Attorney General, for instructions to tax collectors, done at request of the Auditor,	250 00
On the 21st of July, 1842, there were issued to George R. Fall, for printing the Journals of the House of Representatives for the January and February session, 1842,	4,082 12
On the 2d of August, 1842, there were issued to	

George R. Fall, for printing 2,000 copies of the acts of the legislature of 1842,	1,200 00
On the 13th of September, there were issued to George R. Fall, for printing two reams rule work for Governor,	180 00
For printing two and a third reams of deeds for Auditor,	140 00
For printing six receipt books for Secretary of State,	30 00
For printing three quires of patents for Secretary of State,	16 00
For Printing six quires of blanks for State Treasurer,	25 00
Total amount drawn in 1842,	$16,333 47
On the 7th of February, 1843, there were issued to George R. Fall, for printing 200 receipt warrants for Auditor,	15 00
On 7th of March, 1843, there were issued to Charles M. Price, for printing 600 copies of Auditor's circular, with opinion of the Attorney General in relation to tax sales, by request of the Auditor,	125 00
For printing handbills, same date, in relation to renting state property, and 400 receipts for State Treasurer,	35 00
On the 5th of August, 1843, there were issued to Price & Rohrer, for printing 500 receipt warrants for Auditor,	50 00
On the 29th of August there were issued to Price & Rohrer, for printing one hundred circulars of Auditor to tax collectors, and one hundred do to sheriffs acting as tax collectors,	30 00
On 22d September, 1843, to C. M. Price, for preparing marginal notes and index to acts of July session, 1843,	30 00
On 25th September, 1843, to Price & Fall for printing House and Senate Journals of July session, and 2,000 copies of the acts of the July session, 1843,	2,443 62
Total amount in 1843,	$2,728 62
On 19th of January, 1844, there were issued to Price & Rohrer, for printing 2,000 commissions for office of Secretary of State,	200 00

On 29th of February, 1844, to Price & Fall for binding and stitching 2,000 copies of acts of January and February session, 1842,	200 00
On 23d March, 1845, to Price & Fall, for stitching and binding 2,000 copies of acts for July session, 1843,	200 00
For stitching and for binding 2,000 copies of Journals of July session, 1843,	200 00
On 25th March, 1844, to Price & Fall, publishing acts of July session, 1843, in the Mississippian,	100 00
On April 1st, 1844, to Price & Fall, for stitching and binding 2,000 copies of acts of Senate and House of Representatives for January and February session, 1842, as per act of the legislature,	200 00
On the 27th of May, 1844, there were issued to Price & Rohrer, for printing, stitching and binding 2,000 copies of the acts of the legislature for January, 1844,	1,840 00
On the 7th of June, 1844, there were issued to Price & Rohrer for printing, stitching and binding 1,000 copies of House journal, and 1,000 copies of Senate journal for January session, 1844,	5,594 23
On same date as above, for publishing acts of 1844, in the Mississippian,	100 00
On June 17th, 1844, to C. M. Price for preparing marginal notes to acts of 1844,	30 00
On the 1st of July, 1844, to Price & Rohrer for printing 100 circulars for Treasurer,	15 00
Printing 250 receipts for Treasurer,	10 00
" 200 hand bills advertising sales of town lots,	50 00
Advertising same in Mississippian,	31 00
Printing 9 books of Auditor's warrants,	450 00
" 50 circular letters,	10 00
" 200 large do rule and figure for instructions and forms,	130 00
Printing 2 letters to tax collectors, 50 copies each,	20 00
" 300 copies of revenue laws,	128 00
On September 14, 1844, to Price & Rohrer for publishing proclamations, for advertising of offenders, by order of the Governor,	25 87
For 100 copies blank letters to Governors of the States,	12 00
For 100 copies of proclamation in relation to election of President and Vice President,	15 00

For advertising proposals for repairs on the Capitol and Governor's house,	7 50
For printing 100 copies of general order No. 1, " " 80 " " " " No. 2, " " 80 " " " " No. 3,	40 90
On 2d Nov., 1844, to C. M. Price, for advertising general orders No. 1, 2, and 3, by order of the Adjutant General,	104 50
On the 16th of November, 1844, there were issued to A. B. Beckwith for printing 50 hand bills, by order of Commissioner of Public Buildings, in March, 1841, and for advertising funded Treasury warrants,	34 75
On the 16th November, 1844, there were issued to Price & Rohrer, for printing 150 proclamations of Presidential election, and advertising same 13 weeks,	35 75
On the 16th November, 1844, for printing two reams of blank civil commissions, by Price & Rohrer,	80 00
Total amount issued in 1844,	$9,884 10
On the 12th day of January, 1845, there were issued to Price & Rohrer for printing six pages rule and figure work, eight pages plain work, and folding and stitching Penitentiary Report,	48 00
Printing 50 copies (34 pages,) of the constitution, and stitching and binding same,	64 00
On the 4th of February, 1845, to Price & Rohrer for printing four quires of blank requisitions for criminals, and four do, for agents appointed on part of the State, by order of the Governor,	20 00
For printing one hundred copies of circular letter to tax collectors,	10 00
On the 1st of March, 1845, to Price & Rohrer, for printing general order, three quires,	7 87
For advertising general order No. 4, eleven times, five squares,	22 75
On 5th of March, 1845, to Price & Rohrer, for printing circular of Auditor to boards of police, with opinion of Attorney General,	12 50
On the 11th of March, 1845, to Price & Rohrer, for advertising act to amend the Constitution, and resolution to amend Constitution,	90 12
On the 11th of March, 1845 there were issued to Price & Rohrer, for printing 2,000 copies of	

militia laws, by order of the Governor—136 pages, including rule and figure work,	544 00
Five hundred copies of same,	264 10
Folding, binding and covering, at 10c per copy,	250 00
On the 18th of March, 1845, there were issued to Price & Rohrer, for advertising general order No. 6, six squares, and two insertions,	6 75
One hundred papers containing same do,	10 00
One hundred papers containing general orders No. 5,	10 00
On 30th of March, 1845, to Price & Rohrer, for advertising proclamation for apprehending W. G. Beard,	4 50
Proclamation for the apprehension of G. W. Burton,	4 50
Proclamation for the apprehension of C. J. Davis,	4 50
On the 8th of May, there were issued to Price & Rohrer, for 30 letters and 300 blank receipts for Treasurer	17 50
On 27th of May, 1845, to Price & Rohrer, for advertising election of 4 members of Congress, and printing notice to presidential electors,	6 50
On the 12th of July, 1845, to Price & Rohrer, for printing 500 receipt warrants for Auditor,	16 50
On 23d of August, to Price & Rohrer, for printing eight reams of civil commissons, by order of the Governor,	280 00
On 17th of September, 1845, to Price & Rohrer, for printing one hundred copies of circular of Adjutant General,	8 00
Thirty copies of circular to tax collectors, by the Governor,	5 00
Seventy-five copies of proclamation in reference to late election,	8 00
Twelve hundred copies of circular in reference to late election,	100 00
On the 13th of October there were issued to Price & Rohrer for advertising circular of Adjutant General to commissioned officers,	9 75
Publishing proclamation in relation to relections, 28 squares, 10 times,	115 50
One hundred circular letters in relation to schools,	8 00
Three quires of proclamations in relation to election of Major General,	7 50
On 13th of November, 1845, for printing circular to members of board of police, in relation to education, by the Governor,	4 50

Proclamation for arrest of murderers of Girard Way, 3 squares, 5 times,	6 75
Printing commissions on parchment,	15 00
On 19th of November, 1845, to Price & Rohrer for publishing two acts proposing to change the Constitution, by order of the Secretary of State, 9 squares, 6 months,	91 00
On 6th of December, 1845, to Price & Rohrer for printing 250 copies of catalogue for State Library, charged to contingent fund of State Library, and stitching same,	130 05
On same date, for printing 100 circulars of Auditor to tax collectors,	8 50
Total amount in 1845,	$2,211 64
There were also issued to C. M. Price, by virtue of an appropriation, article 9, for printing done by order of the House of Representatives, on 27th of February, 1844,	1,523 50
On April 5th, 1844, Price & Fall drew, for printing done by order of the Senate, (appropriation article 10,)	327 00
On same date, Price & Rohrer drew, for printing done for both houses of the legislature for 1844, and for printing by order of Secretary of State and the Governor, in 1843,	3,989 81
	$15,820 31

RECAPITULATION.

Total amount paid for public printing in 1842,	$16,433 47
" " " " " 1843,	2,728 62
" " " " " 1844,	15,704 41
" " " " " 1845,	2,211 64
Total amount paid for public printing from 1st of Jan., 1842, to 1st Jan., 1846, a period of 4 years,	$36,978 14

I have the honor to be, most respectfully,

Your obedient servant,

JAMES E. MATTHEWS,

Auditor of Public Accounts.

Which, on motion of Mr. McNabb,

Was laid on the table.

On motion of Mr. Green,

The House adjourned until half past 3 o'clock.

HALF PAST 3 O'CLOCK, P. M.

The House resumed its session.

The House resolved itself into a committee of the whole on the Governor's message;

Mr. Wade in the Chair.

After some time spent therein, the committee rose, and through their chairman reported that they had made sundry references of the matters therein contained, and asked to be discharged from the further consideration of the same; which,

On motion of Mr. Lemly,

Was received and agreed to.

The different references made by the committee of the whole, are as follows:

1st. *Resolved*, That so much of the Governor's message as relates to the revenue, be referred to the Committee on Ways and Means.

2nd. *Resolved*, That so much of the Governor's message as relates to the 16th sections of the Chickasaw Session, be referred to a committee composed of one member from each county in the Chickasaw purchase.

3d. *Resolved*, That so much of the Governor's message as relates to the State Seminary and Seminary Fund, and Education, be referred to the Committee on Education.

4th. *Resolved*, That so much of the Governor's message as relates to the five hundred thousand acres of land, donated to the State for works of internal improvement; also, that portion relating to the levee on the Mississippi river, and the rail road east, be referred to the Committee on Internal Improvement.

5th. *Resolved*, That so much of the Governor's message as relates to the Planters Bank bonds, be referred to a select committee, hereafter to be appointed.

6th. *Resolved*, That so much of the Governor's message as relates to the Militia, and State Arms, be referred to the Committee on Military Affairs.

7th. *Resolved*, That so much of the Governor's message as relates to the Penitentiary, be referred to the Standing Committee on the Penitentiary.

8th. *Resolved*, That so much of the Governor's message as

relates to a Lunatic Asylum, be referred to a select committee, hereafter to be appointed, consisting of five members.

9th. *Resolved*, That so much of the Governor's message as relates to amendments of the Constitution and miscellaneous matters, be referred to the Committee on the Judiciary.

10th. *Resolved*, That so much of the Governor's message as relates to Gen. Jackson, be referred to a select committee hereafter to be appointed, consisting of five members.

11th. *Resolved*, That so much of the Governor's message as relates to the Quo Warranto Act of 1843, and that portion relating to banks, be referred to a select committee of five, hereafter to be appointed.

On motion of Mr. Totten,

The Auditor's report, relative to Public Printing, was taken up and read, and referred to the joint select committee raised on that subject,

Mr. McNabb offered the following resolution, viz:

Resolved, That the usual hour of meeting of the House be nine o'clock, until otherwise ordered; which,

On motion of Mr. Cushman,

Was amended by striking out 9 and inserting 10, and adopted as amended.

Mr. Emanuel offered the following resolution, viz:

Resolved, That the Door-keeper be and he is hereby authorized to procure a suitable stove for the west end of the Hall of the House of Representatives; which was adopted.

On motion of Mr. Wade,

The report of the Select Committee, appointed on Mr. Bynum's resolution in relation to the printing of the Rules of this House, was called from the table, and re-committed to the same committee.

On motion of Mr. Baily, the House adjourned.

THURSDAY MORNING, JANUARY 8, 1846.

The House met pursuant to adjournment.

Mr. McAffee, member elect from the county of Covington, presented his credentials and was duly qualified.

The following Message was received from the Senate by Mr. Wilcox their Secretary:

Mr. Speaker—The President of the Senate has appointed the following Standing Committees:

On Finance—Messrs. Matthews, Lipscomb, Tillman, Metcalf and Williams.

On Claims—Messrs. Boone, Miles and Horne.

On Accounts—Messrs. Adams, Wall, Hicks, Lansdale and Dunn.

On Education—Messrs. Acker, Turner, Stewart, Dabney and Lumpkin.

On Banks and Currency—Messrs. Briscoe, Turner, Labauve, Tillman and Booth.

On Internal Improvement—Messrs. Guion, Adams, Lumpkin, Ramsay and Dupree.

On Propositions and Grievances—Messrs. Durr, Dupree and Fox.

On the Seminary Fund—Messrs. Lipscomb, Pegues, Horne, Metcalf and Miles.

On Public Buildings—Messrs. Fox, Stewart and Johnson.

On Engrossed Bills---Messrs. Labauve, Johnson and Lansdale.

On Enrolled Bills---Messrs. Price, Nicholson and Williams.

On Elections---Messrs. Acker, Ramsay and Dupree.

On the Penitentiary---Messrs. Beene, Dupree, Adams, Williams and Nicholson.

The Speaker announced the following Committees, in relation to the Governor's Message, viz:

On that part as relates to the 16th sections of the Chickasaw Cession, Messrs. Malone of Marshall, Dilworth of Tishemingo, Berry of Tippah, Robertson of DeSoto, May of Tunica, Harrison of Pohola, Buford of Lafayette, Fontaine of Pontotoc, Beene of Itawamba, Walker of Chickasaw, Moore of Monroe, Connell of Lowndes, Cannon of Octibbeha, Leigh of Yallobusha.

On that part as relates to Gen. Jackson, Messrs. Metcalf, McNabb, Totten, Abbott and Cannon.

On that part as relates to a Lunatic Asylum, Messrs. Woodbury, Emanuel, Rogers, Crane and Cushman.

On that part as relates to the Planters' Bank Bonds, Messrs. Sharkey, Randall, Huie, Allen and Moore of Monroe.

On that part as relates to the Quo Warranto Act of 1843, and

that portion relating to Banks, Messrs. Greaves, Harris, Sharkey, Singleton and Campbell.

On motion of Mr. Kennedy,

Mr. Binford was added to the Committee on Accounts.

On motion of Mr. Lemley,

Mr. McDonald was added to the Committee on Ways and Means.

On motion of Mr. Berry of Tippah,

Mr. Greene of Tippah, was added to the Committee on the Chickasaw School Fund.

On motion of Mr. Cannon,

Mr. Abbott was added to the Penitentiary Committee.

On motion of Mr. Harris,

Mr. Adams was added to the Committee on Military Affairs.

On motion of Mr. Abbott,

Mr. Cannon was added to the Committee on Education.

On motion of Mr. Holleman,

Mr. McAffee was added to the Committee on Elections.

On motion of Mr. Smiley,

Mr. Greene of Hinds, was added to the Committee on Education.

On motion of Mr. Metcalf,

Mr. Loper was added to the same Committee.

Mr. North presented the petition and claims of Samuel B. Newman of Adams county,

Which was referred to the Committee on Claims.

Mr. Potts presented the petition of sundry citizens of Lafayette county in relation to changing the county line,

Which was referred to the Committee on County Boundaries.

Mr. Holleman presented the claim of Michael Moore,

Which was referred to the Committee on Claims.

Mr. Farrar presented the petition of W. M. Taylor, praying for certain privileges therein contained,

Which was, on motion of Mr. Farrar, referred to a select committee of five, consisting of Messrs. Farrar, Lemley, Spann, Crane and Ewing.

Mr. Hughes presented the petition of sundry citizens of the State of Mississippi, relative to the education of the deaf and dumb,

Which was referred to the Committee on Education.

Mr. McNabb offered the following resolution :

Resolved, That with the concurrence of the Senate, both Houses convene in the representative hall this evening at 3 o'clock, for the purpose of electing a Public Printer.

Mr. McNabb moved that the rule requiring joint resolutions to lay one day on the table be dispensed with ;

Which was lost.

Mr. Wade offered the following resolution :

Resolved, That hereafter in the transaction of the morning's business, a call of the counties shall be had for the reception of petitions and other documents;

Which was adopted.

Mr. Wade, from the Committee to whom was re-referred the resolution in relation to the printing 100 copies of the rules of the House,

Reported that they have had the same under consideration, and made sundry rmendments thereto, as additional rules, viz :

Strike out after the word Clerk have, and insert "a Committee on county boundaries; a Committee on the Penitentiary; a Committee on Military Affairs; and a Committee on Education; and cause 100 copies of said rules, as amended, to be printed for the use of the members of this House.

On motion of Mr. Bailey,

Mr. Harrison was added to the Committee on Internal Improvement ;

Which, on motion of Mr. Wade, was received and agreed to.

On motion of Wade,

The House took a recess for the purpose of preparing the Hall for the reception of the Senate, to the end that the two Houses might proceed to count and publish the vote for Governor.

The House resumed it session.

The Senate having been informed that the House was ready for their reception, they, preceded by the Sergeat-at-Arms, entered the Hall and took the seats assigned them.

The President having explained the object of the joint assemblage, the Speaker proceeded to proclaim the number of votes received by each candidate in the respective counties of this State, as returned to the Secretary of State, and the result is as follows :

Counties.	Brown,	Coopwood,	Davis,
Adams,	419	559	
Amite,	353	402	
Attala,	589	248	
Bolivar,	77	50	
Choctaw,	679	376	25
Chickasaw,	848	204	
Covington,	295	17	
Copiah,	709	287	
Clark,	458	12	
Claiborne,	449	342	
Carroll,	755	670	
Coahoma,	174		
DeSoto,	758	649	
Franklin,	231	213	
Greene,	172	45	
Harrison,	239	42	
Hancock,	236	51	
Hinds,	952	883	
Holmes,	529	509	
Itawamba,	894	274	
Issaquena,	69	77	6
Jefferson,	316	392	
Jones,	157	71	
Jackson,	290		
Jasper,	427	176	
Kemper,	641	272	
Lawrence,	630	48	
Lowndes,	834	44	
Leake,	277	160	
Lauderdale,	735	261	
Lafayette,	716	492	
Madison,	466	1	566
Marshall,	1290	718	
Marion,	242	41	
Monroe,	963	366	
Noxubee,	615	379	
Newton,	352	102	
Neshoba,	229	132	

Counties:	Brown,	Coopwood,	Davis.
Oktibbeha,	389	92	
Pontotoc,	807	112	
Ponola,	426	393	
Pike,	445	196	
Perry,	98	117	
Rankin,	417	184	
Smith,	289	81	
Scott,	294	74	
Simpson,	334	125	
Sunflower,	58	26	11
Tunica,	24	31	
Tishemingo,	1209	185	
Tippah,	1285	101	
Tallahatchie,	251	106	86
Winston,	542	226	
Washington,	89	198	
Warren,	491	771	
Wilkinson,	329	477	
Wayne,	87	58	
Yazoo,	541		455
Yallabusha,	940		484
	28,310	12,852	1,633
Scattering,			464

Thereupon the Speaker announced that A. G. Brown having received a majority of all the votes given, was constitutionally elected Governor of the State of Mississippi, for the term prescribed by the Constitution.

The business for which the two Houses assembled having been accomplished, the Senate retired.

On motion of Mr. Kennedy,

The House adjourned until 3 o'clock.

THREE O'CLOCK, P. M.

The House met pursuant to adjournment.

Mr. Dilworth of Tishemingo, moved that the vote taken yesterday, on receiving and agreeing to that part of the report of the committee of the whole on the Governor's Message, relative to the

500,000 acres of land donated to this State for works of Internal Improvement, be re-considered;

Which motion prevailed.

Mr. Berry of Tippah, moved that the matter just acted upon be forthwith committed to committee of the whole House;

Which was lost.

On motion of Mr. Berry of Tippah,

The House disagreed to that portion of the report referring this subject to the committee on Internal Improvement.

On his further motion,

The House resolved itself forthwith into committee of the whole, Mr. Wade in the chair.

After some time spent therein, the committee rose, reported progress, and asked to be discharged from the further consideration of the same.

Which was received and agreed to.

Mr. Fontaine moved to amend the report of the committee of the whole by striking out Internal Improvement,

Which was decided by the chair to be out of order.

Mr. Bailey moved to refer that portion of the Governor's Message relative to the 500,000 acres of land, to the committee on Internal Improvement;

Which was lost.

On motion of Mr. Kennedy,

The report was received and laid on the table.

Mr. Cushman offered the following joint resolution:

Resolved, with the concurrence of the Senate, that a joint select committee of five on the part of the House and —— on the part of the Senate, be appointed to wait on His Excellency A. G. Brown, the Governor elect, and inform him that he is duly and constitutionally elected Governor of the State of Mississippi, for two years from the 10th instant, and ask him at what time it would suit his convenience to be inaugurated.

The rule requiring joint resolutions to lay one day on the table was dispensed with, and the resolution forthwith adopted.

The chair appointed Messrs. Cushman, Greaves, Simrall, Brooks and Thompson said committee.

Mr. Adams offered the following resolution:

Resolved, That in all cases where public documents are printed

by order of this House, it shall be the duty of the Sergeant-at-Arms to distribute the same (when printed) in equal numbers among the members;

Which was adopted.

On motion of Mr. Cannon,

Resolved, That the Keeper of the Capitol cause locks and keys to be attached to the desks in the offices of the Clerk of this House.

Mr. Connell, from the committee appointed to examine the documents accompanying the Governor's Message, reported the following list of documents which they deem necessary to publish, viz:

A portion of the letters relating to school lands.
Correspondence on the subject of schools.
Report of Adjutant General.
Attorney General's report.
Correspondence on the subject of Internal Improvement.
Report of Quarter Master General.
Report of State Commissioner.
State of Census.
Letters from the United States.
Topographical Engineer's report.
Report of Commissioner of Sinking Fund.
Correspondence on the subject of the Penitentiary;

Which was received and agreed to.

Mr. Metcalf, from the select committee to whom was referred that portion of the Governor's Message relative to the Resolutions of the Congress of the Republic of Texas of June 21st, 1845, tendering to Andrew Jackson the tribute of a Nation's gratitude, made the following Report:

The Committee to whom has been referred that portion of the Governor's Message which presents to the Legislature the Resolution of the Congress of the Republic of Texas of June 21, 1845, tendering to Andrew Jackson the tribute of a Nation's gratitude; and which, on the subject of that Resolution, suggests that Mississippi will be pleased and proud, in a suitable manner, to manifest her love and veneration for her departed but illustrious friend—have considered the matter, and now, on this the anniversary of the victory of Chalmette, do Report,

That altho' the expression of the gratitude of our heroic and

affectionate brethren of Texas, from the interposed dispensation of the Most High, was not received, yet it is inscribed on the records of our latest adopted State, and will brighten the eye of the true-hearted reader until the globe, which turns Texas to the sun, shall change its orbit or cease.

That before Texas, with all her eventful and glorious history, was in contemplation, Mississippi owed and owned a debt of gratitude to the man whose career has just closed—whose departure is yet wept by twenty millions of freemen—and whose sunset casts a radiance over the waters and around the globe, which will cheer the patriot and the christian, until the days of the nations shall be numbered.

That the citizens of Mississippi, desirous to appropriate to themselves their just share of the memory of their *beloved Friend*, and to do what may be proper to transmit that venerated memory, ought through their Legislature to pass an act requiring that there be procured out of the public treasure, *a Statue of General Jackson*, from the hands of the most eminent American artist, to be fashioned out of American marble, and placed in a niche of the rotunda of the Capitol; and charging the Governor with the speedy execution thereof:

Provided that the same shall not cost more than $5,000.

And provided that a call on the Treasury for the same shall not be made sooner than two years from the passage of an act authorizing said statue;

Which was read and the report received.

On motion of Mr. Totten,

The blank in said report was filled with $5,000.

And on motion of Mr. Kennedy,

The report was agreed to.

Mr. Leonard offered the following resolution, viz:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of so amending the laws in relation to Judges of Probates, as to compel them to give bond for the performance of their duties, and report by bill or otherwise;

Which was adopted.

Mr Alcorn offered the following resolution, viz:

Resolved, That the Ministers of the Gospel, residing in the city of Jackson, be requested to attend the meeting of this House each

morning during the session, as often as may suit their convenience, and open its deliberations with prayer.

Mr. Kennedy moved to lay the resolution on the table;

Which was lost.

The question was then taken on the adoption of the resolution and carried.

On motion of Mr. Greaves,

The House adjourned.

FRIDAY, JANUARY 9, 1846.

The House met pursuant to adjournment,

And was opened with prayer by the Rev. Dr. Stewart, of Madison county.

The following message was received from the Senate by Mr. Wilcox, their secretary:

MR. SPEAKER—The Senate have given leave to the introduction of a bill of the following title:

A bill to be entitled an act to change the time of holding the Circuit Court in the fifth Judicial District in this State;

And have passed bills of the following titles:

A bill to be entitled an act for the relief of Charles Anderson of Pontotoc county.

A bill to be entitled an act to authorize the Judge of the Probate Court of Pike county, to hold the terms of his court in the clerk's office of said county;

In which I am instructed to desire the concurrence of the House of Representatives.

Mr. North presented the claim of Samuel wood of Adams county;

Which was referred to the Committee on Claims.

The following message was received from the Senate, by Mr. Wilcox, their secretary:

MR. SPEAKER—The Senate have concurred in the resolution from the House of Representatives, for appointing a committee to wait on His Excellency A. G. Brown, Governor elect, and inform him that he is duly and constitutionally elected Governor of the State of Mississippi, for the term of two years from the 10th instant,

and ask him at what time it would suit his convenience to be inaugurated;

And have appointed on the part of the Senate, Messrs. Horne, Wall and Boone.

The Senate has given leave to the introduction of a bill of the following title:

A bill to be entitled an act for the relief of John H. Rollins.

Mr. Huie presented the petition of A. B. Hicks and others of Choctaw county, in relation to the passage of a law to legalize Geo. W. Hicks;

Which was read and referred to a select committee of five, consisting of Messrs. Huie, Archer, Millsaps, Gilleland and McNabb.

Mr. Allen presented the petition of sundry citizens of the town of Grand Gulf, in Claiborne county, in relation to the free negroes residing in said town; which,

On motion of Mr. Allen,

Was referred to a select committee of three, consisting of Messrs. Allen, Rossman and Fowles.

Mr. Allen presented the petition of John C. Humphries and others, of Claiborne county, relative to a negro man named Richard;

Which was read and referred to a select committee of three, consisting of Messrs. Allen, Thompson and Binford.

Mr. Alcorn presented the petition of sundry citizens of Coahoma county, in relation to a portion of the public lands in said county.

On motion of Mr. Alcorn,

The petition was received, the reading dispensed with, and referred to the Committee on the Judiciary.

Mr. McInnis presented the claims of Walter Denny and A. McLane, of Green county;

Which were referred to the Committee on Claims.

Mr. McCaughan presented the petition of sundry citizens of Harrison county, in relation to the subject of education;

Which was referred to the Committee on Education.

Mr. McCaughan presented the petition of sundry citizens of Harrison county, relative to the principle and practice of raising revenue by means of a poll tax;

Which was referred to the Committee on Ways and Means.

Mr. McCaughan presented the petition of sundry citizens of Harrison county, in relation to the security system;

Which was referred to a select committee of three, consisting of Messrs. McCaughan, Randall and Rodgers.

Mr. Leonard presented the petition of Benjamin Sones, former sheriff of Hancock county, relative to making him and others an appropriation for services rendered in collecting and making returns of the State and county taxes of said county in the years 1843 and 1844;

Which was referred to the Committee on Propositions and Grievances.

Mr. Greaves presented the petition of sundry citizens of Hinds county, in relation to Joe Rollins, a colored man;

Which was referred to the Committee on Propositions and Grievances.

Mr. Weathersby presented the claim of Edward L. Brown, clerk of the circuit court of Lawrence county;

Which was referred to the Committee on Claims.

Mr. Connell presented the claim of Hugh L. French, clerk of the Rankin Circuit Court;

Which was referred to the Committee on Claims.

Mr. Foster presented the claims of Wm. H. White and W. C. Foster;

Which was referred to the Committee on Claims.

Mr. Singleton presented the petitions of John H. Rollins and Joe Rollins of Madison county;

Which were referred to the Committee on Propositions and Grievances.

Mr. Singleton presented the memorial of John H. Rollins a citizen of Madison county;

Which was referred to the Committee on the Judiciary.

Mr. Fontaine presented the petition of sundry citizens of Itawamba county in relation to a part of said county to be annexed to the county of Pontotoc;

Which was referred to the Committee on county boundaries.

The following message was received from the Senate, by Mr. Wilcox, their secretary:

Mr. Speaker—The Senate have passed a bill of the following title;

A bill to be entitled an act to prescribe the time of holding the Probate Courts in the counties of Chickasaw, Monroe, Tishemingo and Noxubee;

In which I am instructed to desire the concurrence of the House of Representatives;

And have given leave to the introduction of a bill of the following title:

A bill to be entitled an act to divide the State of Mississippi into four Congressional districts, and have referred the same to a joint select committee of five on the part of the Senate, and —— on the part of the House of Representatives, and have appointed on the part of the Senate, Messrs. Landsdale, Acker, Durr, Miles, and Lahauve.

Mr. Fontaine presented the petition of William Edington of Pontotoc county, relative to a divorce;

Which was referred to the Committee on the Judiciary.

Mr. Millsaps presented the petition of James L. Weatheral of Pontotoc county;

Which was referred to the Committee on Claims.

Mr. Millsaps presented the claim of W. F. Kiger, Jailor of Henderson county, Tennessee;

Which was referred to the Committee on Claims.

Mr Holleman presented the claim of James Carpenter;

Which was referred to the Committee on Claims.

Mr. Gibbs presented the claims of W. S. Duncan and others;

Which were referred to the Committee on Claims.

Mr. Gibbs presented the petition of sundry citizens of Tishemingo county in relation to Gideon Butler;

Which was referred to the Committee on Propositions and Grievances.

Mr. Warren presented the petition of John and Elizabeth M. Gordon, relative to a divorce;

Which was referred to the Committee on the Judiciary.

Mr. Green of Tippah, presented the claim of Thomas J. Sartin;

Which was referred to the Committee on Claims.

Mr. Hughes presented the claim of Jacob Roberts;

Which was referred to the Committee on Claims.

Mr. Sharkey presented the petition and claim of A. Mengers;

Which was referred to the Committee on Claims.

Mr. Simrall presented the petition of sundry citizens of Wilkinson county, relative to the School Fund arising from the lease of the school lands in township 2, range 3;

Which was referred to a select committee of three, consisting of Messrs. Simrall, Rogers and Netterville.

Mr. Adams presented the petition of sundry citizens of Yazoo county;

Which was referred to a select commitee of three, consisting of Messrs. Adams, Fowles and Woodbury.

The bill from the Senate, to be entitled an act for the relief of Charles Anderson of Pontotoc county;

Was read the first time.

On motion of Mr. Totten,

The rule was suspended, and the bill read a second time.

Mr. Moore presented a petition in reference to the matter contained in the bill;

Which being read;

On motion of Mr. Gilleland,

The rule was further suspended, and the bill read a third time.

Mr. Connell offered the following amendment by way of ryder, viz:

Provided, he enters into bond and security to save the State harmless;

Which was read the first time.

On motion of Mr. Connell,

The rule was suspended and the ryder read a second time.

On his further motion,

The rule was suspended, the ryder read a third time, and the bill, with its ryder, put upon its passage, and passed, with its title as stated.

The Senate bill, to be entitled,

An act to authorize the Judge of the Probate Court of Pike county to hold the terms of his court in the clerk's office of said county.

Was read the first time.

On motion of Mr. Harris,

The rule requiring bills to be read on three separate days, was dispensed with, and the bill read the second and third time forthwith, and passed, with its title as stated.

The Senate bill, to be entitled,

An act to prescribe the time of holding the Probate Courts in the counties of Chickasaw, Monroe, Tishemingo and Noxubee,

Was read the first time.

On motion of Mr. Walker,

The constitutional rule was dispensed with, and the bill read the second and third time forthwith, and passed, with its title as stated.

Mr. Harris, by leave, introduced a bill, to be entitled,

An act to reduce the amount of the Coroner's bond in Copiah county;

Which was read the first time.

Several amendments being offered,

On motion of Mr. Cushman,

The bill and the amendments were referred to the committee on the judiciary.

The joint resolution of the Senate, relative to making suitable arrangements for the inauguration of Gov. A. G. Brown, was then considered.

On motion of Mr. Wade,

The blank in said resolution was filled with the number five, and concurred in.

The Chair appointed Messrs. Wade, Cushman, Bailey, Crain and Thompson said committee.

Mr. Cushman, from the committee appointed to wait on his Excellency, A. G. Brown, reported that they had performed that duty, and that it would suit his convenience to be inaugurated on the 10th instant at 10 o'clock, A. M.;

Which was received.

The Speaker presented to the House the following communication from the Secretary of State:

OFFICE OF SECRETARY OF STATE,
Jackson, Miss., 5th January, 1846.

SIR—In conformity with the act of the Legislature, approved February 24th, 1844, I have the honor to report to that branch of the Legislature over whose deliberations you preside, that the Secretary of State caused the said act, proposing an amendment of the constitution relative to the introduction of slaves into this State, to be published before the late election, according to law, and the

returns from the several counties, now on file in this department, show an aggregate vote of 25,127, in favor of the amendment, and 3,658 against it.

But few counties have furnished the whole number of votes given in each for members of the Legislature. The following have made the annexed returns:

The whole number of votes given for members of the Legislature in the county of Amite,	724
" " " Clarke,	501
" " " Jefferson,	606
" " " Leake,	424
" " " Marion,	252
" " " Newton,	441
" " " Perry,	203
" " " Tippah,	1911
" " " Tishemingo,	1580
" " " Wilkinson,	827
A partial return from Carroll of	636

The returns from Lafayette, shows that the whole vote cast was 1,245, but that 76 were not given for members of the Legislature.

The returns from Marshall, certify the whole vote at 2,159, but that the number given for members of the Legislature, are 2,080.

The returns from Washington exhibit the total vote given in the county, at 224, but no definite number for members of the Legislature, except the votes reported to have been received by each candidate.

The returns from Winston, report the whole vote polled in the county, to be 787, but that 26 were not cast for members of the Legislature. Most of the other counties specified the number of votes given for each candidate.

In further obedience to a resolution of the same Legislature, the resolution, as required, was published, proposing an alteration of the constitution concerning the mode of electing certain officers therein specified; and by the returns on file in this office, it appears that 18,140 votes, were given in favor of the change contemplated, and that 8,148, were given against it.

Respectfully submitted by, sir, your ob't serv't,

W. HEMINGWAY.

Hon. the Speaker of the House of Representatives.

Mr. Connell, by leave, introduced a bill, to be entitled,

An act for the relief of Joseph Wells;

Which was read the first time.

On motion of Mr. Connell,

The constitutional rule was dispensed with and the bill read the second and third time forthwith, and passed, with its title as stated.

Mr. Campbell gave notice, that on Monday next he would ask leave to introduce a bill, to be entitled,

An act giving to Chancery and Circuit Courts power to legitimatize bastard children, and for other purposes.

Mr. Maxcy gave notice that he would ask leave, on some future day, to introduce a bill, to be entitled,

An act to amend an act in relation to estates of decedents to testamentary administration.

Mr. Green of Hinds gave notice that he would ask leave to introduce a bill, to be entitled,

An act to provide for the election of an additional number of Justices of the Peace and Constables.

On motion of Mr. Allen,

Mr. Smiley was added to the Committee on Education.

On motion of Mr. Wade,

The House adjourned until 3 o'clock, P. M.

THREE O'CLOCK, P. M.

The House met pursuant to adjournment.

Mr. Cannon, by leave, introduced a bill, to be entitled,

An act to extend the Attachment laws of this State in favor of non-resident creditors against non-resident debtors, under certain circumstances;

Which was read the first time.

Mr. Millsaps gave notice that on some future day he would ask leave to introduce a bill, to be entitled,

An act to reduce the per diem of each member of the Legislature, and the fees of various other officers.

Mr. Fontaine offered the following resolution, viz.;

Resolved, That hereafter, the House of Representatives shall convene at 10 o'clock, A. M., and adjourn at 3 o'clock, P. M., until otherwise ordered.

On motion of Mr. Wade,

Three o'clock was stricken out in said resolution.

Mr. Fontaine then, by leave, withdrew the resolution.

Mr. North gave notice that he would, on Monday, the 12th instant, ask leave to introduce a bill, to be entitled,

An act to establish an Inferior Court of Chancery in the southern part of this State.

Mr. Hinds gave notice that he would, on Monday next, ask leave to introduce a bill, to be entitled,

An act to reduce the per diem of the members of the Boards of County Police and Clerks thereof.

Also, a bill, to be entitled,

An act for the relief of widows and orphan children, and for other purposes.

On motion of Mr. Huie,

Resolved, That the Committee on the Judiciary be instructed to enquire into the expediency of amending an act, entitled,

An act "declaring certain copies competent testimony, and for other purposes," approved May 13th, 1837, so as to authorize the taking of testimony by interrogations, in all cases where the witness resides without the county in which the cause may be pending.

Mr Alcorn offered the following resolution:

Resolved, That hereafter, when the House adjourns, that it will adjourn until the next legislative day following, at 10 o'clock.

Mr. Metcalf moved to strike out 10 o'clock;

Which was lost.

The question was then taken on the resolution and decided in the affirmative.

Mr. Dilworth of Tishemingo gave notice that he would, on tomorrow, or some future day, ask leave to introduce a bill, to be entitled,

An act to restrict the business of Sheriffs, and protect Constables.

Mr. Brooks gave notice that he would, on some future day, introduce a bill, to be entitled,

An act to alter or amend the road laws of this State, so as to grant private roads in contradistinction from public highways.

On motion of Mr. Alcorn,

The House adjourned until to-morrow morning, 10 o'clock.

SATURDAY, JANUARY 10, 1846.

The House met pursuant to adjournment.

And its deliberations were opened with prayer by the Rev. L. J. Halsey of the city of Jackson.

The following message was received from the Senate by Mr. Wilcox, their Secretary:

Mr. SPEAKER—The Senate have adopted the following joint resolutions, viz:

Resolved, That that portion of the Governor's Message which relates to the five hundred thousand acres of land, be referred to a joint select committee of both Houses, consisting of five members on the part of the Senate, and —— on the part of the House. Messrs. Boone, Lipscomb, Lansdale, Stewart and Horne are appointed on the part of the Senate.

Resolved, That that portion of the Governor's Message relating to the Chickasaw school lands, be referred to a joint select committee of both Houses chosen from the Chickasaw cession, consisting of five on the part of the Senate and —— on the part of the House. Messrs. Boone, Williams, Beene, Matthews and Price were appointed on the part of the Senate.

Resolved, That that portion of the Governor's Message which relates to the Militia and State arms, be referred to a joint select committee composed of three on the part of the Senate and —— on the part of the House. Messrs. Williams, Fox and Briscoe were appointed said committee.

Resolved, That so much of the Governor's Message as relates to the Census and apportionment of Representatives, be referred to a joint committee of the two houses, to consist of five members on the part of the Senate and —— on the part of the House, and have appointed on the part of the Senate, Messrs. Adams, Lipscomb, Guion, Matthews, Nicholson and Stewart;

And have passed a bill of the following title:

A bill to be entitled an act to legalize a special term of the circuit court of the county of Madison, ordered for the first Monday of February, 1846;

In which I am instructed to desire the concurrence of the House of Representatives.

Mr. Wade, from a joint select committee appointed to make

suitable arrangements for the installation of the Governor, reported the following programme:

The House of Representatives shall be prepared for the reception of the procession at half-past ten o'clock, A. M. The committee of arrangements shall repair to the Executive office at fifteen minutes before ten o'clock, A. M., and there await the announcement, by the Sergeant-at-Arms, that the two houses are convened and are ready to receive the Governor elect. The procession shall then proceed to the hall in the following order, viz:

1st. The Governor elect and Private Secretary, preceded by the Sergeant-at-Arms on the left.

2d. The Committee of Arrangements.

3d. Judges of the High Court of Errors and Appeals and Chancellor.

4th. State officers and distinguished individuals.

On arriving at the entrance of the bar of the House, the Sergeant-at-Arms shall announce the "Governor elect."

On which announcement the President of the Senate and Speaker of the House of Representatives, shall proceed to conduct him to the Clerk's desk. The Chief Justice shall set on his right and the other Judges, and the Chancellor, shall sit on his left.

So soon as the Sergeant-at-Arms shall have made proclamation, the procession shall retire in the same order.

Which, on his motion, was agreed to.

On motion of Mr. Alcorn,

The House concurred in the resolutions from the Senate, referring a bill to divide the State of Mississippi into four Congressional Districts, and the blank filled with the number 8, consisting of Messrs. Alcorn, Robertson, Green of Tippah, Smith of Winston, Leonard, Beaty, Simrall and Frost.

On motion of Mr. Wade,

The House took a recess for the purpose of preparing the hall for the installation of the Governor elect.

The House resumed its session.

The Senate having been informed that the hall was ready for their reception, entered, preceded by the Sergeant-at-Arms, and took the seats assigned them.

The President of the Senate having announced the object of the joint assemblage, instructed the Sergeant-at-Arms to announce to

announce to the committee of arrangements that the two houses were ready to receive the Governor elect.

The Governor elect, accompanied by the committee of arrangements, Chief Justice Sharkey, Judges Clayton and Thatcher, of the High Court of Errors and Appeals, and the Chancellor, entered the hall. The Governor elect and the Judges and Chancellor, took their seats in front of the Speaker's desk. His Excellency, A. G. Brown, then rose and delivered his Inaugural Address.

Chief Justice Sharkey then administered the oath of office to the Governor elect.

The Sergeant-at-Arms having made proclamation, his Excellency, the committee of arrangements, Judges, &c., retired in the same order in which they had entered.

The two houses having accomplished the business for which they had convened, the Senate retired.

The Senate having been informed that the hall was now ready for their reception, to the end that the two houses might proceed to the election of United States Senators, entered the hall and took the seats assigned them.

The President having explained the object of their joint assemblage,

On motion of Mr. Labauve of the Senate,

The two houses proceeded to the election of a Senator in the Congress of the United States, for the term of six years from the 4th day of March, 1847.

Mr. Matthews of the Senate put in nomination H. S. Foote of Hinds.

Mr. Guion of the Senate nominated George Winchester of Adams.

The two houses then proceed to vote *viva voce;*

Which resulted as follows:

Those who voted for H. S. Foote, are,

Senators—Messrs. President, Adams, Acker, Briscoe, Beene, Boone, Dabney, Durr, Fox, Horne, Hicks, Johnson, Lipscomb, Lumpkin, Labauve, Matthews, Nicholson, Pegues, Price, Ramsay, Tilman and Willburn—22.

Representatives—Mr. Speaker, Messrs. Abbott, Adams, Archer, Beene, Berry of Simpson, Berry of Tippah, Buford, Bynum, Campbell, Cannon, Carson, Chambers, Chewning, Connell, Cowan,

Crain, Cushman, Dilworth of Monroe, Dilworth of Tishemingo, Farrar, Fontaine, Frost, Gibbs, Gilleland, Greaves, Green of Tippah, Griffin, Guy, Harris, Hinds, Holleman, Hughes, Hule, Hyneman, Kennedy, Lemley, Leigh, Leonard, Loper, Malone, Martin, Maxcy, McAfee, McCaughan, McDonald, McInnis, McNabb, Metcalf, Millsaps, Moody, Moore, Pendleton, Pettus, Potts, Randall, Robertson, Rossman, Simmons, Singleton, Smith of Winston, Stewart, Thompson, Torrey, Totten, Wade, Walker, Warren, Weathersby, Woodbury and York—71.

Those who voted for George Winchester are,

Senators—Messrs. Booth, Duprée, Guion, Lansdale, Metcalf, Stewart, Turner, Wall and Williams—9.

Representatives—Messrs. Alcorn, Allen, Bailey, Beaty, Binford, Brooks, Cypert, Emanuel, Ewing, Fowles, Green of Hinds, Harrison, Head, May, Nash, North, Pope, Rogers, Rushing, Sessions, Sharkey, Simrall, Smiley, Smith of Washington, Spann and White—26.

Mr. Foster of the House voted for Mr. Quitman.

Mr. Henry S. Foote having received a majority of all the votes given, was declared by the President to be duly and constitutionally elected Senator in the Congress of the United States, for the term of six years from the 4th day of March, 1847.

On motion of Mr. Labauve of the Senate,

The two houses then proceeded to the election of a Senator in the Congress of the United States, to fill the vacancy occasioned by the resignation of the Honorable Robert J. Walker.

Mr. Labauve of the Senate nominated the Honorable Joseph W. Chalmers of the county of Marshall.

Mr. Guion of the Senate put in nomination the Honorable George Winchester of the county of Adams.

No other nominations being made, the two houses proceeded to vote *viva voce*,

Which resulted as follows:

Those who voted for Joseph W. Chalmers, are,

Senators—Mr. President, Messrs. Adams, Acker, Briscoe, Beene, Boone, Dabney, Durr, Fox, Horne, Hicks, Johnson, Lipscomb, Lumpkin, Labauve, Matthews, Nicholson, Pegues, Price, Ramsay, Tilman and Willburn—22.

Representatives—Mr. Speaker, Messrs. Abbott, Adams, Arch-

er, Beene, Berry of Simpson, Berry of Tippah, Buford, Brooks, Bynum, Campbell, Cannon, Carson, Chambers, Chewning, Connell, Cowan, Crain, Cushman, Cypert, Dilworth of Monroe, Dilworth of Tishemingo, Farrar, Fontaine, Foster, Frost, Gibbs, Gilleland, Greaves, Green of Tippah, Griffin, Guy, Harris, Hinds, Holleman, Hughes, Hulie, Hyneman, Kennedy, Leigh, Lemly, Leonard, Loper, Malone, Martin, Maxey, McAffee, McCaughan, McDonald, McInnis, McNabb, Metcalf, Milleaps, Moody, Moore, Pendleton, Pettus, Potts, Randall, Robertson, Rossman, Simmons, Singleton, Smith of Winston, Stewart, Thompson, Torrey, Totten, Wade, Walker, Warren, Weathersby, Woodbury and York —96.

Those who voted for George Winchester, are,

Senators—Messrs. Booth, Dupree, Guion, Lansdale, Metcalf, Stewart, Turner, Wall and Williams—9.

Representatives—Messrs. Alcorn, Allen, Bailey, Beaty, Buford, Emanuel, Ewing, Fowles, Green of Hinds, Harrison, Head, May, Nash, North, Pope, Rogers, Rushing, Sessions, Sharkey, Simrall, Smiley, Smith of Washington, Spann and White—24.

Mr. Chalmers having received a majority of all the votes given, was declared, by the President, to be duly and constitutionally elected Senator in the Congress of the United States, to fill the vacancy occasioned by the resignation of the Honorable Robert J. Walker.

The Senate then retired.

Mr. Connell, from the joint select committee to whom was referred the subject of enquiring into the propriety and expediency of reducing the price of the public printing, reported, that they have had the same under consideration, and agreed on a bill, which bill, with the report of the Auditor of Public Accounts, will be presented to the consideration of the Senate; all of which is respectfully submitted:

Which was received and agreed to.

On motion of Mr. Alcorn,

The resolution from the Senate, referring so much of the Governor's Message as relates to the 500,000 acres of land to a joint select committee of five on the part of the Senate, and —— on the part of the House, was taken up.

On his further motion,

The blank in said resolution was filled with the number fifteen, and the resolution, as amended, was concurred in.

The Chair appointed, on the part of the House, Messrs. Fontaine, Green of Tippah, Beene, Walker, Brooks, Crain, Berry of Simpson, Metcalf, Simrall, Chambers, Green of Hinds, Smith of Washington, Wade, Robertson and Binford.

On motion of Mr. Harris,

A select committee of three was appointed, to wait on his Excellency, the Governor, and request a copy of his inaugural address, for publication, consisting of Messrs. Harris, Green of Hinds, and McNabb.

On motion of Mr. Kennedy,

The House adjourned.

MONDAY, JANUARY 12, 1846.

The house met pursuant to adjournment.

And its deliberations were opened with prayer by the Rev. Dr. Level, of the city of Jackson.

Mr. Pettis offerred the following resolution:

Resolved, that all memorials, petitions, claims, and propositions, be referred in accordance with suggestions of the members presenting them, (if no objection be made) without putting the question;

Which was adopted.

Mr. Fowler presented the claim of C. N. Vaughn;

Which was referred to the committee of claims.

Mr. Pendleton presented the claim of Robert Wood, justice of the peace of Adams county;

Which was referred to the committee on claims.

Mr. Walker presented the petition of sundry citizens of Chickasaw county, in relation to granting I. Shepered the privilege of retailing spirituous liquors of all descriptions without any license or charge;

Which being read was,

On motion of Mr. Walker,

Referred to a select committee of five.

The chair appointing Messrs. Walker, Moore of Monroe, Cannon, Hule and Millsaps, said committee.

Mr. McAfee presented the petition of John C. Lucas praying the passage of a law to legalize his marriage with Alpha Strickland;

Which was referred to the judiciary committee.

Mr. Rossman presented the petition of Sidney W. Brinson, a citizen of Claiborne county, praying the passage of a law conferring upon Paddy a negro man all the rights, privileges, and immunities of a free man of color, &c.;

Which was referred to a select committe of three, consisting of Messrs. Rossman, Allen and Thompson.

Mr. Allen presented the claim of William H. Jacobs;

Which was referred to the committee on claims.

Mr. Binford presented the petition of sundry citizens of the town of Black Hawk in Carroll county;

Which was referred to a select committee of three, consisting of Messrs. Binford, Kennedy, and Archer.

Mr. McCaughan presented the claim of Talbot Henley;

Which was referred to the committee on claims.

Mr. Greaves presented the petition of sundry citizens of Hinds county relative to the passage of a law compensating Henry Furlow and others for arresting James McDaniel a fugitive from Justice;

Which was referred to the committee on claims.

Mr. Torrey presented the claim of Thomas H. Young;

Which was referred to the committee on claims.

Mr. Bynum presented the claim of James M. Evans et al;

Which was referred to the committee on claims.

Mr. McDonald presented the claim of Wm. Hosey;

Which was referred to the committee on claims.

Mr. Weathersby presented the claim of Solomon Sutton;

Which was referred to the committee on claims.

Mr. Connell presented the petition of sundry citizens residing in township 17, range 18, east, in Lowndes county, relative to the repeal of the second section of an act to regulate the rate of interest in the school fund and for other purposes;

Which was referred to a select committee of three, consisting of Messrs. Connell, Abbott, and Maxey.

Mr. Abbott presented the petition of sundry citizens of Lowndes county residing in township 17, south, range 18 west, praying the passage of a law for certain purposes therein contained;

Which was referred to the same committee, the chairman being changed to Mr. Abbott.

Mr. Cushman presented the petition of a portion of the citizens of Lafayette county praying the passage of a law protecting the navigation of the Yock-na-pa-tapha river from all obstructions &c.;

Which was referred to the committee on propositions and grievances.

Mr. Ewing presented the petition of Joseph F. Griffin a minor relative to the passage of a law granting him all the rights to contract and receive the products of his own labor &c., as if he were of full age;

Which was referred to a select committee of three, consisting of Messrs. Ewing, Singleton, and Spann.

Mr. Cowan presented the claim of Wm. Roland, et al;

Which was referred to the committee on claims.

Mr. Stewart presented the petition and claim of Dr. A. J. Blackburn;

Which were referred to a select committee of three, consisting of Messrs. Stewart, Chambers, and Holleman.

Mr. Moore presented the claim of Elvira Hamilton;

Which was referred to the committee on claims.

Mr. Brooks presented the petition of John Gilmer relative to Lewis Shops a free man of color;

Which was referred to the committee on propositions and grievances.

Mr. May presented the claims of Hardin S. Adams and Thos. W. Floyd;

Which were referred to the committee on claims.

Mr. Baily presented sundry claims;

Which were referred to the committee on claims.

Mr. Bailey presented the petition of John McCarty praying the passage of a law for his relief;

Which was referred to the committee on propositions and grievances.

Mr. Dilworth of Tishemingo, presented the claim of John Lindsey;

Which was referred to the committee on claims.

Mr. Gibbs presented the petition of sundry citizens of Tishemingo county praying the passage of a law to legalize Lester Lankford to sell liquors, &c., without a license;

Which was referred to the committee on propositions and grievances.

Mr. Hindman presented the claims of John Reese and Square Boone;

Which were referred to the committee on claims.

Mr. Gilleland from the standing committee on elections reported that they have examined the credentials of the members of this house, and have found the same to be correct;

Which was received and agreed to.

Mr. Harris from the select committee appointed to wait upon his excellency the governor, requesting him to furnish for the use of this house a copy of his inaugural address, reported that they hand discharged that duty, and that his excellency has furnished them with a copy of the same;

Which was received and agreed to.

Mr. Wade moved that the report be laid on the table and 2000 copies printed;

Which was lost.

On motion of Mr. Cushman,

1000 copies were ordered to be printed, and the message laid on the table.

Fellow Citizens:

Honored by you with a re-election to the office of Governor, I appear before you a second time, to renew my obligations to support your constitution and faithfully to discharge my duties. In doing so, allow me to enter into covenants, again to requite your generous confidence, by a continued watchfulness over all your varied interests.

Two years have now passed away since I entered, with trembling anxiety, on the high duties to which your partiality had called me.

You have passed your verdict of approval on my conduct, and I thank you—from a heart full and overflowing with gratitude I thank you. I enter on a second term with increased anxiety—and with a determination, quickened by your approval of the past, still to merit your confidence and to retire from your service without hav-

ing forfeited your good opinion. To be chosen from fifty thousand voters to administer the affairs of a sovereign state, is a distinction of which any man may boast, but which no one has a right to claim. I have it by your sufferance; it shall be my constant effort to wear it without reproach; and to surrender it without dishonor.

Indulge me, Fellow Citizens, in a remark or two touching the present attitude of our state, her future prospects, and the means to be employed in advancing her to greatness and glory. Proud as I am of Mississippi, the home of my childhood, and of my maturer years, I am prouder still of her atitude before the world; of the noble bearing which she exhibits amid the reproaches and contumely cast upon her. Is she accused by Bankers and Bonders of pestilential and seditious conduct, and of being "a ringleader of the sect" called *repudiators*? She answers as did Paul before Festus. "I stand at Cæsar's judgment seat, where I ought to be judged: to the Jews, have I done no wrong, as thou very well knowest. For if I be an offender or have committed any thing worthy of death, I refuse not to die; but if there be none of these things whereof these accuse me, no man may deliver me unto them. I appeal unto Cæsar." Mississippi is to be judged by her own written constitution; if against that she has offended, she expects to be reproached, but if she has not, no man may deliver her into the hands of Jewish or other bond holders. She appeals to the Constitution.

This day fifty thousand hearts scattered over the broad surface of Mississippi, swell with emotion as fifty thousand freemen turn their eyes towards this city to behold the actions of their Representatives assembled here. The state has been maligned and her fair fame traduced by those who are ignorant of her cause, or knowing her to be right, refuse to do her justice. She has taken her position, and from it she will not depart. The shafts leveled at her honor fall harmless at her feet, because they come not from the hand of justice. Let those who are the guardians of her unsullied fame, preserve it free from taint or blemish. You stood by her in her noble attitude of vindicating her constitution, in refusing to pay demands contracted in its violation; stand by her with equal firmness in her no less lofty attitude of vindicating that constitution still further by paying debts contracted by its approval and sanctioned by its language. If Mississippi was called upon by her

constitution to reject the Union Bank Bonds, that same constitution bids her pay those of the Planters Bank "to the last mill." I will not ask you if it shall be done, because I will not ask you if Mississippi shall be dishonored.

What are the future prospects of our state, and how shall we advance her in the highway to glory and renown? are questions to be determined by your action. With a fertility of soil equal to any in the world; with the mighty river of her own name, so aptly termed "an inland sea," washing her western border for more than four hundred miles, and bearing upon its bosom the richest product that ever rewarded the toils of man; with navigable rivers like arteries running from her heart to all her extremities; with salubrity of climate equal to Italy, and a population the bravest and best on Gods earth, there is not a land of fairer promise, nor one which may aspire to a higher or a more glorious destiny. How shall we assist her? Let a portion of our energies be directed to internal improvements. The day will come when Mississippi should be spanned from east to west by a great central Railroad; when the waters of the Mississippi should be fenced in, and the fertile lands on its borders be made to throw their rich treasures into the pockets of our people. It was improvements like these that added millions to the wealth of New-York, and gave immortality to the name of Clinton. These improvements cannot be made the next year, or completed perhaps by this generation; but the natal energy and indomitable perseverance of our people will sooner or later carry them out. It is our duty to commence them.

There is a feature in the character of this state which the historian cannot pass by in silence. It is the independence which marks her conduct. Determining for herself what is right, she fearlessly pursues the conviction of her own judgement, regardless of the opinions and conduct of others. She was first to elect judges by the people; she first established a purely metalic currency, and amidst the taunts and jeers of friends and foes, she first stood up in the face of the civilized world and refused to pay an unconstitutional debt contracted in her name. A state which thus pursues its own inclinations, and which has already invested its people with more power than any other in the union, or perhaps in christendom, should be the foremost in giving universal instruction to its people.

An ignorant multitude excited by some fancied wrong and led by some daring and popular demagogue, may, in a single hour, commit breaches in the fabric of our government which the wisdom and ingenuity of ages may not be able to repair. The educated masses are never phrenzied thus; appreciating the blessings of liberty, they will never commit excesses in its name. Then by every consideration of patriotism; by your love of liberty; by the devotion which you bear to your offspring; by the safety of your fire-sides; and the accumulated wealth of years of toil; by the holy religion of your fathers; by all that you hold dear in this world, or sacred in the world to come, I exhort you to spread the blessings of Education among the PEOPLE!

The legislation of this country is wisely divided into state and national. As a member of the great family of states, we are the victims or beneficiaries of national legislation as chance may direct, our voice being as one to fifty in her councils.

Whilst we direct our domestic legislation so as to develope the resources of our state, and secure to ourselves and our properity the blessings of liberty in a free government, may we not in earnest and respectful terms, address our petitions and our remonstrances to the federal legislature, so to govern its councils, as not to retard us in our onward march to prosperity and happiness. Nay! whilst others are the recipients of governmental favor, may we not ask for justice If the tariff oppresses us, may we not ask that it be relaxed? If *protection* retards us, may we not ask that it be removed? Our cotton whitens every sea, and enlivens every port. It is the axis on which the commercial word revolves. Shall congress restrict us to a home market, and call this protection? verily, "it is such protection as vultures give to lamds." No, let congress protect us in foreign lands; let congress protect us as we float on every sea, and barter in every port, and we will protect ourselves and our government at home.

Millions on millions of the nation's money is yearly lavished in developing the resources and advancing the prosperity of other states, under the specious pretext of "providing for the common defence and the general welfare." Mississippi has remonstrated and her remonstrance has not been heard; she must stand firm on the broad platform of the constitution, and as she grows older and stronger she will increase in the compass and strength of her ap-

peals for justice. She asks for nothing from the nation's coffers to her local works, but she asks for "defences" commensurate with her commercial importance, and such as are demanded by her position in the union, and her contributions to the national wealth. Our southern coast for three hundred miles is undefended; scarcely a light-house to direct the storm-beaten mariner has been erected. Not an arsenal nor a fort is built on our shores. The nation liberal to others, but parsimonious to us, has not even surveyed our coast. A harbor equal to almost any on the Atlantic, was better known to British seamen in 1812–15 than to American statesmen in 1846. Are we members of the same family, or are we strangers to the sisterhood of states, that our interests are thus neglected and our safety set at nought?

If it were competent for congress to aid in the construction of the Wabash canal, with a grant from the public domain, why may not the rivers that spann our state in all directions and bear upon their bosoms the rich products of our soil demand like contributions from the nation's bounty. The Pearl, Yazoo, Black, Tallahatchie and other rivers are as important to us in their navigation as the Wabash canal can be to any portion of the western people.

For years and years, Mississippi has appealed, but she has appealed in vain, for a graduation in the price of the public lands.—The older states have clung to these lands with a miser's iron grasp. Gloating over the prospect of gain, they have regarded each dollar wrung from the reluctant grasp of the hardy settler, as so much added to their coffers. In a lucky hour the principle of graduation was ingrafted into the treaty with the Chickasaw Indians. Witness its fruits. In ten years, the lands ceded by the Chickasaw tribe, have made more advances in population and in agriculture than those in the Choctaw cession have in twice that number of years. We have seen the less productive lands in the Choctaw cession go uncultivated for almost a quarter of century, and a thrifty population, such as would do credit to any state, driven west, where the more liberal government of Texas gave them lands on better terms. Our appeals must be renewed. The policy of the United States will ultimately induce her to listen to our petitions.

The feeling is now for war—war with England; a war in which we are to be the greatest sufferers. This war will give impetus

to New England manufactures, and open new and profitable markets for western produce: to us it will bring blight and desolation. Our hearths, now happy and cheerful, will become lonely and desolate—our fields, no longer covered with a snowy white staple and enlivened by the negroe's happy song, will grow up in thorns and thick weeds, and become the resting place of reptiles and ill-omened birds. *Yet are we ready for the crisis.* Let no one doubt our fealty to the general good—let no one say that Mississippi will be unfaithful to the nation's honor—let her but know that her cause is just, and she will march to victory or death. Let the nation be faithful to herself and us—let her stand by her President who "has asked for nothing but what is right," and who has already sworn upon the altar of his country's glory, that "he will submit to nothing which is wrong;" and if for this, England wages war upon us, why, let it come—in God's name let it come. In such a cause, there is not a tongue that would not cry for war; and tho' houses were burned and cities sacked, and tho' biting hunger should e'en claim us for his victims, still our voice would be for war:—and our mothers, the matrons of the land, would cheer us in this goodly work. Like the mother of the Spartan heroes, they would bid us return from such a conflict "with our shields, or upon them." With England must ever rest the question of peace or war. We crave an *honorable* peace, and if this be denied us, we ask for war. I pray that justice may hold the scales in the hands of England, and that the genius of peace may preside over her deliberations.

With no disposition to trespass further on your indulgence, I conclude with an earnest wish that you the people may be united in all your efforts to promote the public good; and that the counsels of your representatives, under the supervision of Divine Providence, may be directed to the union of the States, the happiness of the people, and the perpetuity of liberty, and universal peace among men. ALBERT G. BROWN.

Mr. Warren from the committee on county boundaries to whom was referred the petition of sundry citizens of Lafayette county, in relation to changing the northern boundary of said county, reported a bill of the following title:

A Bill to be entitled an Act, to detach a portion of the county of Lafayette therefrom and attach the same to the county of Marshall, and for other purposes;

Which was read the first time and the report received.

On motion of Mr. Buford,

The rule was suspended and the bill read a second time;

He also moved for a further suspension of the rule,

Which was lost.

On motion of Mr. Totten,

The bill was ordered to be engrossed and made the special order of the day for 11 o'clock to-morrow, for 3d reading.

Mr. Simrall from the committee to whom was referred the petition of sundry citizens of the county of Wilkinson praying for the consolidation of certain school funds in said county, reported a bill of the following title:

A Bill to be entitled an Act to consolidate the school funds in township 2, range 3 west, and township 2, range 2 west, in the county of Wilkinson, and for other purposes;

Which was read the first time and the report received.

Mr. Simrall moved that the constitutional rule requiring bills to be read on three several days be dispensed with;

Which was lost.

Mr. Adams from the committee to whom was referred the petition of sundry citizens of Yazoo county, reported a bill of the following title:

A Bill to be entitled an Act declaring certain slaves free persons of color;

Which was read the first time and the report received.

Mr. Allen, from the select committee, to whom was referred the petition relative to the emancipation of Richard, a slave, reported a bill of the following title:

A bill, to be entitled,

An act to emancipate Richard, a slave;

Which was read the first time, and the report received.

Mr. North, by leave, introduced a bill to be entitled an act to amend an act of the Mississippi territory;

Which was read the first time.

Mr. Fontaine, by leave, introduced a bill to be entitled an act to incorporate the Pontotoc male Academy;

Which was read the first time.

Mr. Fontaine moved that the constitutional rule be suspended in order that the bill might be read a second time,

Which was lost.

On motion of Mr. Harris,

Resolved, that his excellency, the governor, be requested to furnish for the use of this house a statement showing what sums (if any) is due this state by the general government for the pay of the militia called into service by Gen. Gaines in 1836.

The resolution relative to going into the election of a public printer was called from the table.

On motion of Mr. McNabb,

3 o'clock was stricken out and 11 o'clock of January 13th, inserted.

Mr. McNabb offered the following amendment, viz:

Who, when elected, shall be governed in his charges by any rates which the legislature may hereafter fix by law,

Which was adopted.

The question was then taken on the adoption of the resolution as amended and decided in the negative.

The Chair presented a communication from the State Treasurer which,

On motion,

Was laid on the table for the present.

Mr. Emanuel, by leave, introduced a bill to be entitled an act concerning the estate of Wm. B. Smith, deceased, of Warren county;

Which was read the first time,

On motion of Mr. Emanuel,

The constitutional rule was dispensed with, and the bill read the second and third time forthwith, and passed with its title as stated.

The following message was received from the senate by Mr. Wilcox their secretary:

Mr. Speaker,

The senate have passed bills of the following titles:

A Bill to be entitled an Act to incorporate the Hercules Hook and Ladder Company of Columbus, Mississippi, with an amendment by way of ryder.

A Bill to be entitled an Act for the establishment of a Seminary of Learning in the city of Jackson,

And have disagreed to the amendment made by the house to a

bill from the senate, to be entitled an act for the relief of Charles Anderson of Pontotoc county,

In which I am instructed to desire the concurrence of the house of representatives;

And have passed a bill from the house of representatives of the following title:

A Bill to be entitled an act for the relief of Joseph Mathews Wells;

On motion of Mr. May,

Resolved, That the committee on county boundaries be instructed to enquire into the expediency of repealing the act passed at the session of the legislature and approved 21st February 1844, entitled an "act to define more correctly the boundary line between the counties of Tunica and Coahoma," or so amending the same as not to take from the county of Tunica the constitutional and requisite number of square miles.

Mr. Cannon offered the following resolution, viz:

Resolved, that the committee on ways and means be requested to inquire into the expediency of extending the time of distress and sale by the sheriffs between the first of March and May;

Also the repeal of the double taxes, and in lieu thereof, to add ten per cent. to the tax as a compensation to the collector for additional trouble;

Also to abolish the present plan of classification of lands, and hereafter to have lands assessed according to their intrinsic cash value;

On motion of Mr. Harrison,

A division of the question was had and the first and second resolutions adopted;

Mr. Harrison offerred the following amendment to the last clause, viz:

Strike out after resolved and insert, "that the lands be divided into twenty classes;"

On motion of Mr. Baily,

The above amendment was laid on the table;

On his further motion,

The vote just taken was reconsidered and the amendment rejected.

Mr. Griffin offered the following amendment as an addition to the last clause:

"By the owners of real estate on oath;"

Which was lost.

Mr. Harrison offered the following amendment:

That the first valuation or assessment shall continue for five years.

Which motion of Mr. Baily was rejected.

Mr. Campbell offered the following amendment, viz:

Amend by striking out all the words after "classification" and inserting "to devise a new mode of taxing lands;"

Which was lost.

Mr. Totten offerred the following amendment, viz:

That said committee euquire into the expediency of causing said assessment of land to be made by the justices of the peace in their respective beats.

Mr. Fontaine moved to reject the original and amendment.

On motion of Mr. McNabb, a division of the question was had and the question taken on the rejection of the amendment and decided in the affirmative.

The question was then taken on the rejection of the original resolution and decided in the negative.

Mr. Moore offered the following amendment, viz:

That they also enquire into the expediency of changing the present mode of assessing the tax on lands in the state with leave to report by bill or otherwise.

On motion of Mr. McNabb, the above amendment was rejected.

The question was then taken on the adoption of the original resolutions and decided in the affirmative.

The following message was received from his excellency the governor, by Mr. Nicholson, his private secretary:

To the House of Representatives:

At the solicitation of a large number of the citizens of Jackson I transmit the enclosed memorial. It is numerously signed by gentlemen of all classes and pursuits, and has the approval of the corporate authorities of this city. All that the memorialists say on the subject of education meets my hearty approbation; and I commend it to the favorable notice of the legislature.

The lots designated in the survey of the city of Jackson, as college square and college green, are at present useless, and must long remain so, unless some means are provided for erecting houses upon them. A portion of these grounds may be sold and the money applied to the purpose of building, without injury to the balance. In the plan of this city, as originally surveyed, certain squares south of capitol square were reserved as a court green. Two lots in one of these squares were sold many years since, and have been patented to the assignee of the purchaser, thus destroying the value of the square as a public promenade. The city will doubtless relinquish its interest in the square for the benefit of the school, and I recommend that the state should do the same. The state has an equitable interest in a few lots of no very great value, which were sold in 1838, the purchasers of which are now either dead or insolvent. This interest, if relinquished to the trustees of the school, might be of service, and it will probably never be of any great benefit to the state. I am satisfied that on a proper investigation of the subject, it will be found entirely practicable for the state to relinquish certain interests which she has in this city, and thereby greatly aid the cause of education, without doing herself any material injury. I recommend the appointment of a committee to investigate the subject.

A. G. BROWN.

EXECUTIVE CHAMBER, 12th Juanuary, 1846.

Which being read;

Mr. Greaves offered the following joint resolution, viz:

Resolved, That the special message of the governor be referred to a joint select committee of five on the part of the house, and — on the part of the senate.

On motion of Mr. Cushman,

The rule requiring joint resolutions to lay one day on the table, was dispensed with, and the resolution forthwith adopted.

Messrs. Greaves, Cushman, Green of Hinds, McNabb and Rogers were appointed said committee on the part of the house.

Mr. Fontaine offered the following resolution, viz:

Resolved, That the committee on ways and means be instructed to inquire into the expediency of reducing the tax on, or of exempting from taxation, cleared or cultivated lands;

Which was lost.

The following message was received from the senate, by Mr. Wilcox, their secretary:

Mr. Speaker—The senate have passed a bill of the following title, viz:

A bill, to be entitled,

An act to reduce the price of public printing;

In which I am instructed to desire the concurrence of the house of representatives.

Mr. Smiley offered the following resolution, viz:

Resolved, That the committee of ways and means be instructed to inquire into the expediency of reporting a bill to take from the sheriffs of the different counties the collection of the taxes, and consolidate the office of assessor and collector of taxes, and fix the compensation at five per cent. on the amount collected.

Mr. Walker offered the following amendment:

Amend by adding, "and that they be allowed to assess and collect on the same day;"

Which, on motion of Mr. Harris,

Was rejected.

The question was then taken on the adoption of Mr. Smiley's resolution, and decided in the affirmative.

On motion of Mr. Bailey,

Resolved, That the hall of the house of representatives be tendered to the Rev. Mr. Vail, to deliver an address to the members of the legislature and the citizens generally, upon the subject of education, on to-morrow evening at 7 o'clock, or any other evening that may suit his convenience.

On motion of Mr. Gibbs,

Resolved, That the judiciary committee be instructed to take into consideration the propriety of revising the laws of this state, and report by bill or otherwise.

Mr. Bailey moved that the house adjourn;

Which was lost.

The senate bill, to be entitled,

An act to incorporate the Hercules hook and ladder company of Columbus, Mississippi;

Was read the first time.

On motion of Mr. Wade,

The house concurred in the disagreement of the senate, to the

amendment, by way of ryder, made by the house to the bill from the senate, entitled,

An act for the relief of Charles Anderson of Pontotoc county.

The senate bill, to be entitled,

An act to reduce the price of public printing.

Was read the first time.

On motion of Mr. Totten,

The rule was suspended, and the bill read the second time.

On motion of Mr. Harris,

Referred to a committee of the whole house, and made the special order of the day for 12 o'clock, to-morrow.

On motion of Mr. Cushman,

The house adjourned until to-morrow morning, 10 o'clock.

TUESDAY, JANUARY 13, 1846.

The House met pursuant to adjournment;

And its deliberations were opened with prayer by the Rev. L. J. Halsey, of the city of Jackson.

Mr. North presented the petition of the managers of the Natchez Female Orphan Asylum;

Which was referred to the Committee on Ways and Means.

Mr. Pendleton presented the petition of Nathaniel Hoggatt, jr., relative to the passsage of a law emancipating certain slaves therein named;

Which was referred to a select committee of three, consisting of Messrs. Pendleton, North and Fowles.

Mr. McAfee presented the claims of R. Watt, jr., and J. L. Jolley;

Which were referred to the Committee on Claims.

Mr. Allen presented sundry claims;

Which were referred to the same committee.

Mr. Greaves presented the petition and claim of Thomas Graves;

Which were referred to the Committee on Claims.

Mr. White presented the petition of sundry citizens of the county of Issaquena, relative to the removal of the county site;

Which was referred to a select committee of three, consisting of Messrs. White, Alcorn and Carson.

The following message was received from His Excellency the Governor, by Mr. Nicholson his private secretary:

To the House of Representatives:

In reply to your resolution of yesterday requesting to be furnished with a statement, showing what sum, (if any) is due this State by the general government for the pay of the militia, called into the service by General Gaines, 1836, I have the pleasure to communicate that the sum so appearing to be due, is $6,158 22 cents. By reference to the acts of 1837, page 57, it will be seen that provision was made by the legislature for paying volunteers called into the service of the United States, by Major General Gaines. The Auditor was required to audit the Governor's accounts for that purpose. In pursuance of this legislation, Governor Lynch drew the above mentioned sum on the 13th day of February, 1837, (see Auditor's journal, page 189.) The Secretary of War sent an officer of the army, to this State, to pay off the volunteers, but for some cause, not known to me, the above sum was omitted. No part of it, so far as I am informed, has ever been paid by the United States.

A. G. BROWN.

EXECUTIVE DEPARTMENT,
January 13, 1846.

Mr. Singleton presented the petition of William R. Hudnall, a minor, &c.;

Which was referred to the select committee appointed yesterday on a similar petition, consisting of Messrs. Ewing, Singleton and Spann.

Mr. Griffin presented the claim of S. M. Pryor;

Which was referred to the Committee on Claims.

Mr. Griffin presented the petition of sundry citizens of Tippah county, relative to restricting the Sheriff of said county, to the jurisdiction alone of the circuit court;

Which was referred to a select committee of three, consisting of Messrs. Griffin, Berry and Warren.

Mr. Smith of Washington, presented the petition of members of the board of police of said county, relative to a change of locating the county site of Washington county.

Mr. Totten from the Judiciary Committee, to whom was referred the petition of William Edrington, praying for a divorce, reported that they have had the same under consideration, and deem it inexpedient to grant the prayer of said petitioner, and ask to be discharged from the further consideration of the same;

Which was received and agreed to.

Mr. Totten from the Judiciary Committee to whom was referred the petition of John Gordon and Elizabeth M. Gordon, for a divorce, reported that they have had the same under consideration and deem it inexpedient to grant the prayer of the petitioners, and ask leave to be discharged from the further consideration of the same;

Which was received and agreed to.

Mr. Sessions from the Joint Standing Committee on enrolled bills, reported that they have examined a bill originating in the House of Representatives, entitled an act for the relief of Joseph Matthews Wells,

And have found the same correctly enrolled;

Which was received.

Mr. Farrar from the select committee to whom was referred the petition of B. W. & William M. Taylor, reported that they have had the same under consideration, and ask leave to be discharged from the further consideration of the same for the present;

Which was received, and Mr. Farrar permitted to withdraw the petition for the present.

Mr. Hule from the committee to whom was referred the petition of sundry citizens of the county of Choctaw praying for the legalization of Geo. W. Hicks, reported a bill of the following title, viz:

A bill to be entitled an act legalizing Geo. W. Hicks;

Which was read the first time, and the report received.

Mr. Hule moved that the rules be suspended to the end that the bill might be read a second time;

Which was lost.

Mr. Connell from the select committee to whom was referred the petition of sundry citizens embraced in that portion of the county of Lowndes designated as township 17, N. of Range 18, east, reported a bill of the following title, viz:

A bill to be entitled an act to repeal the second section of an

act entitled "an act to regulate the rate of interest on the school fund, and for other purposes" approved 13th February, 1844;

Which was read the first time and the report received.

Mr. Rossman from the select committee to whom was referred the petition of Sydney W. Brinson, reported a bill of the following title, viz:

A bill to be entitled an act for the relief of Paddy Brinson, a man of color;

Which was read the first time and the report received.

Mr. Allen from the select committee to whom was referred the petition of sundry citizens of the town of Grand Gulf relative to the free negroes of said town, reported a bill of the following title, viz:

A bill to be entitled an act in relation to the free negroes in the town of Grand Gulf;

Which was read the first time, and the report received.

Mr. Green of Hinds, on leave, introduced a bill of the following title, viz:

A bill to be entitled an act to provide for the election of an additional number of justices of the peace and constables;

Which was read the first time.

Mr. Hinds, on leave, introduced a bill of the following title, viz:

A bill, to be entitled,

An act to reduce the per diem pay of the members of county police, clerk and judge of the probate court in the county of Itawamba;

Which was read the first time.

Mr. Simrall, on leave, introduced a bill of the following title, viz:

A bill, to be entitled,

An act to authorize Bythell H. Beard, guardian, to remove the personal property of his wards, out of this state, and for other purposes;

Which was read the first time.

Mr. Martin, on leave, introduced a bill of the following title, viz:

A bill, to be entitled,

An act to change the time of holding the probate court in the county of Lauderdale;

Which was read the first time.

Mr. Wade gave notice that he would, on tomorrow, ask leave to introduce

A bill, to be entitled,

An act to amend an act entitled "an act to extend the remedy of attachment and garnishment," approved February 23, 1844.

Mr. Hinds, on leave, introduced a bill of the following title, viz:

A bill, to be entitled,

An act for the relief of widows and orphan children, and for other purposes;

Which was read the first time.

Mr. Leonard, on leave, introduced a bill of the following title, viz:

A bill, to be entitled,

An act to incorporate the town of Gainesville, in the county of Hancock;

Which was read the first time.

Mr. Dilworth of Tishemingo, by leave, introduced a bill of the following title, viz:

A bill, to be entitled,

An act supplemental to an act entitled an act to restrict the sheriff of Itawamba county, from doing constables business, and for other purposes, approved February 23, 1844;

Which was read the first time.

Mr. Fontaine, by leave, introduced a bill of the following title, viz:

A bill, to be entitled,

An act to amend the laws of this state, in relation to bail in criminal cases;

Which was read the first time.

On motion of Mr. Fontaine,

The constitutional rule was suspended, and the bill r[illegible] second time, and referred to the committee on the judiciar[illegible]

Mr. Harrison offered the following resolutions, viz:

Resolved, That the judiciary committee be instruc[illegible] into the expediency of providing a uniform and e[illegible] by which the clerk of the superior court of char[illegible]

court of errors and appeals, shall collect their fees, and report by bill or otherwise.

And also, to inquire into the expediency of providing some law regulating the manner of the printing of the reports of the high court of errors and appeals, and to report by bill or otherwise;

And also, to inquire into the expediency and propriety of the passage of a law to give the commissioner of the sinking fund, the power to compromise to the debtors to said fund, and to report by bill or otherwise;

Which were adopted.

Mr. Smith of Washington, by leave, introduced a bill of the following title, viz:

A bill, to be entitled,

An act to establish the county site of Washington county, and for other purposes;

Which was read the first time.

On motion of Mr. Smith,

The rule was suspended, and the bill read the second time.

On his further motion,

The third section in the bill was stricken out.

The rule was further suspended, and the bill read the third time.

Mr. Gilleland moved to amend the title, by striking out "and for other purposes;"

Which prevailed.

The question was then taken on the passage of the bill as amended and decided in the affirmative.

Mr. Crain offered a series of joint resolutions, instructing our representatives in the congress of the United States, to sustain the recommendations of the President of the United States, in relation to the public lands, and for other purposes;

Which were read the first time.

On his motion,

The rule requiring resolutions to be read on three several days, was dispensed with, and the resolutions read the second time.

Mr. Hughes offered the following amendment, viz:

Amend, by striking out the word "time," in the first resolution, and insert "three years;"

Which was adopted.

Mr. Wade moved to strike out "senate concurring," and insert "by the legislature of the State of Mississippi;"

Which was adopted.

The question was then taken on the adoption of the resolutions as amended, and decided in the affirmative.

The special order was then taken up, viz:

A bill, to be entitled,

An act to detach a portion of the county of Layfayette therefrom, and attach the same to the county of Marshall, and for other purposes;

Which was read the third time, and passed with its title as stated.

On motion of Mr. Harris,

Resolved, That the special message of the Governor, be referred to the committee on the judiciary, with instructions to report by resolution, memorial or otherwise.

The house resolved itself into committee of the whole on its special order, viz:

A bill, to be entitled,

An act to reduce the price of public printing;

Mr. McNabb in the chair.

After some time spent therein,

The committee rose and reported the bill without amendment;

Which was received and agreed to; the question,

On motion of Mr. Cushman, being divided.

On motion of Mr. Totten,

The bill was read forthwith by its title, and put upon its passage, and passed with its title as stated.

The question being taken by yeas and nays, are as follows:

Those who voted in the affirmative are, Mr. Speaker, Messrs. Abbot, Adams, Alcorn, Allen, Archer, Beaty, Beene, Berry of Simpson, Berry of Tippah, Binford, Brooks, Buford, Bynum, Campbell, Cannon, Carson, Chambers, Connell, Cowan, Crane, Cushman, Cypert, Dilworth of Monroe, Dilworth of Tishemingo, Emanuel, Ewing, Farrar, Fontaine, Foster, Fowles, Frost, Gibbs, Gilleland, Green of Hinds, Green of Tippah, Griffin, Guy, Harris, Harrison, Head, Hinds, Holleman, Hughs, Huie, Hynetman, Kennedy, Leigh, Lemley, Leonard, Loper, Malone, Martin, Maxcy, May, McAfee, McCaughan, McDonald, McInnis, McNabb,

Metcalf, Millsaps, Moody, Moore, Nash, North, Pendleton, Pettus, Pope, Randall, Robertson, Rogers, Rossman, Rushing, Sessions, Sharkey, Simmons, Simrall, Singleton, Smyth of Winston, Stewart, Thompson, Torrey, Totten, Wade, Walker, Warren, Wetherersby and York—88.

Mr. Smyth of Washington, voted in the negative.

On motion of Mr. Wade,

The vote taken on yesterday, relative to the election of public printer, was reconsidered.

On motion of Mr. Cushman,

The resolution was amended by inserting 3 o'clock to-morrow;

And the resolution passed as amended.

The resolution of the senate, referring to that portion of the governor's message, relating to the Chickasaw school lands, to a joint select committee of both houses, chosen from the Chickasaw cession, consisting of 5 on the part of the senate, and —— on the part of the house, was considered.

On motion of Mr. Buford,

The blank was filled with the number of 12:

The chair appointing Messrs. Malone, Dilworth of Tishemingo, Berry of Tippah, Robertson, May, Cannon, Harrison, Beene, Walker, Moore, Connell, Leigh, said committee.

On motion of Mr. Dilworth of Tishemingo,

The above resolution was concurred in.

The resolution of the senate, referring that portion of the governor's message as relates to the census and apportionment of representatives, to a joint committee of 7 members on the part of the senate, and —— on the part of the house, was considered.

On motion of Mr. Kennedy,

The blank was filled with the number 15, and the resolution concurred in.

The senate bill, to be entitled,

An act to legalize a special term of the circuit court of the county of Madison, ordered for the first Monday of February, 1846;

Was read the first time.

On motion of Mr. Singleton,

The rule was suspended, and the bill read the second and third time forthwith, and passed by its title as stated.

The following message was received from the senate, by Mr. Wilcox their secretary:

Mr. Speaker—The senate have given leave to the introduction of bills of the following titles, viz:

A bill, to be entitled,

An act to provide for the more speedy trial of slaves;

A bill, to be entitled,

An act providing for the purchase of the book called "North on probate courts;"

A bill, to be entitled,

An act to amend an act entitled an act to make valid and confirm the last will and testament of William Wall of Monroe county, deceased, approved July 26th, 1843.

And have adopted the following resolution, viz:

Resolved, (the house of representatives concurring,) That the committee on internal improvement of the senate and house of representatives, shall hereafter be a joint standing committee of both houses.

And have passed a bill of the following title, viz:

A bill, to be entitled,

An act explanatory of an act for incorporation of the university of Mississippi, approved February 24th, 1844;

In which I am instructed to desire the concurrence of the house of representatives.

On motion of Mr. Gilleland,

The resolution in the above message, was concurred in.

The senate bill, to be entitled,

An act explanatory of an act, for incorporation of the university of Mississippi, approved February 24th, 1844;

Was read the first time.

The constitutional rule being dispensed with, the bill was read the second and third time forthwith, and passed by its title, as stated.

On motion of Mr. Singleton,

Resolved, That hereafter it shall be the duty of the Sergeant-at-Arms, in the distribution of documents, printed by order of the House for the benefit of the members thereof, to put up said documents in packages, each containing the number to which each member is entitled.

Mr. Archer gave notice that he would, on Wednesday next, ask leave to introduce a bill, to be entitled,

An act to incorporate the town of Greensboro' in Choctaw county, and to repeal all acts incorporating the same,

On motion of Mr. Pettus,

Resolved, That the Committee of Ways and Means be instructed to enquire into the expediency of so amending the revenue laws of this State, as to collect an equal *ad valorem* tax on all the property in this State.

Mr. Cushman, by leave, introduced a bill of the following title, viz:

A bill, to be entitled,

An act to authorize Reuben P. Davis, guardian, to remove the property of his wards beyond the limits of this State;

Which was read the first time.

On motion of Mr. Cushman,

The rule was suspended and the bill read the second time, and referred to the Committee on the Judiciary.

The following message was received from the Senate, by Mr. Wilcox, their Secretary, viz:

Mr. Speaker—The Senate have passed bills of the following titles, to-wit:

A bill, to be entitled,

An act to provide for an additional justice of the peace in the district of Holmesville:

A bill, to be entitled,

An act for the relief of tax payers, and for other purposes.

And have adopted the following resolution:

Resolved, The House concurring, the two houses meet in the representative hall on Thursday next, at 12 o'clock, for the purpose of electing a State Printer for the next succeeding two years;

In which they desire the concurrence of the House of Representatives.

Mr. McCaughan offered a series of resolutions, instructing the Judiciary Committee relative to the framing of a general law on the subject of emancipating slaves, in order that the boards of police of the several counties may be able to dispose of all such questions; also the propriety of giving the power, by law, to all the judges of probate in this State to decide upon the expediency of al-

lowing executors, administrators, guardians, widows and minors to remove the property of decedents to which they are entitled, out of their respective counties, or from the State, &c., &c.;

Which were adopted.

Mr. Campbell, by leave, introduced a bill, of the following title, viz:

A bill, to be entitled,

An act giving power to the circuit and chancery courts to legitimatize bastard children, alter or change names, and for other purposes;

Which was read the first time.

Mr. Hinds offered the following resolution, viz:

Resolved, That the judiciary committee be requested to enquire into the propriety of changing the present mode of paying the district attorneys, and allowing them a tax fee;

Which was lost.

Mr. Allen, by leave, introduced a bill of the following title, viz:

A bill, to be entitled,

An act to authorize the governor of the state of Mississippi to appoint commissioners in other states;

Which was read the first time.

Mr. Allen moved that the rule be suspended, to the end that the bill might be read a second time;

Which was lost.

On motion of Mr. Harrison,

Resolved, That the committee on the penitentiary be required to enquire into the expediency of altering the present mode of convict labor, so as to conflict as little as possible with the interests of mechanics, and that they report by bill or otherwise.

Mr. Abbott gave notice that he would, on to-morrow, ask leave to introduce a bill, to be entitled,

An act for the division and sub-division of lots in section 16, township 18, range 18 west, on which the city of Columbus is situated.

Mr. Fontaine moved to call from the orders of the day, No. 8;

Which was lost.

Mr. Berry of Tippah, gave notice that he would, on to-morrow, introduce a resolution to amend the rules of this house, by adding "there shall be a standing committee on incorporations."

On motion of Mr. Dilworth of Tishemingo,

Mr. Green of Hinds, was added to the committee on the penitentiary.

Mr. McDonald gave notice that he would, on to-morrow, or some future day, ask leave to introduce a bill, to be entitled,

An act to repeal an act to change the time of holding the probate court of Jasper county.

On motion of Mr Moore,

Resolved, That the door-keeper be required to place all papers and other documents, belonging to each member, on their respective desks when taken from the post office by him.

Mr. Pendleton gave notice that he would, on some future day, ask leave to introduce a bill, to be entitled,

An act to repeal an act regulating the practice of circuit courts, and for other purposes.

The orders of the day were then taken up.

The bill, to be entitled,

An act to extend the attachment law of this state in favor of non-resident creditors, against non-resident debtors, under certain circumstances;

Was read the second time,

And on motion of Mr. Bailey,

Referred to the committee on the judiciary.

The senate bill, entitled,

An act to incorporate the Hercules hook and ladder company of Columbus, Mississippi,

Was read the second time.

On motion of Mr. Totten.

The rule was suspended, the bill read the third time and passed, with its title as stated.

The senate bill, entitled,

An act for the establishment of a seminary of learning in the city of Jackson;

Was read the second time;

And on motion of Mr. Green of Hinds,

Referred to the committee on education.

The house bill, entitled,

An act to consolidate the school fund in township 2, range 3,

west, and township 2, range 2, west, in the county of Wilkinson, and for other purposes;

Was read the second time.

The house bill, entitled,

An act declaring certain slaves free persons of color;

Was read the second time;

And on motion of Mr. Adams,

Was ordered to be engrossed for a third reading on to-morrow.

On motion of Mr. Lemley,

The House adjourned.

WEDNESDAY, JANUARY, 14, 1846.

The House met pursuant to adjournment,

And its deliberations were opened with prayer by the Rev. Mr. Taylor of the city of Jackson.

The speaker announced the following joint committee on the part of the house, relative to the census and apportionment, viz:

Messrs. Kennedy, Harrison, Cowan, Hinds, Abbott, Maxcy, Loper, Randall, Weathersby, Head, Thompson, Pope, Wade, North and Nash.

Mr. Netterville, member elect from the county of Wilkinson, presented his credentials and took the oath of office.

Mr. Harris gave notice, that as soon as it would be in order to do so, he would move a reconsideration of the vote taken on the passage of the bill, entitled,

An act explanatory of an act for the incorporation of the university of Mississippi; approved 24th February, 1844.

Mr. Gilleland presented the petition of E. M. Wells;

Which was referred to the committee on the judiciary.

Mr. Thompson presented the petition of Elijah Crider and others, of Copiah county, relative to the passage of a law authorizing Abner W. Crider to become his own guardian;

Which was referred to a select committee of three, consisting of Messrs. Thompson, Harris and Moody.

Mr. Kennedy presented the petition of Samuel Moore, tax collector of Carroll county;

Which was referred to the committee on claims.

Mr. Greaves presented the claim of Wm. A. Stamps;

Which was referred to the committee on claims.

Mr. Torrey presented the claim of Henry Hinkley;

Which was referred to the committee on claims.

Mr. Cushman presented the petition of Arthur S. Denton;

Which was referred to the committee on the judiciary.

Mr. Moody presented the petition of John R. McCann, praying the passage of a law for his relief;

Which was referred to a select committee of three, consisting of Messrs. Moody, Buford and Lemley.

Mr. Singleton presented the claim George W. Henderson;

Which was referred to the committee on claims.

Mr. Millsaps, by leave, withdrew the petition referred on yesterday to the committee on propositions and grievances, and referred the same to the committee on claims.

Mr. Holleman presented the claim of William Hood;

Which was referred to the committee on claims.

Mr. McNabb presented the petition of R. W. and Wm. M. Taylor, which was withdrawn on yesterday, and the same re-committed to the same committee.

Mr. Lemley presented the claim of J. D. W. Duckworth;

Which was referred to the committee on claims.

Mr. Totten, from the judiciary committee, to whom was referred a resolution with sundry amendments relative to coroners' bonds, reported that they have had the same under consideration, and deem it expedient to provide a general law in relation to that subject, and have instructed me to report a bill of the following title, viz:

A bill to be entitled,

An act in relation to the bonds of coroners;

Which was read the first time and the report received and agreed to.

Mr. Totten, from the judiciary committee, to whom was referred the petition of John H. Rollins, reported a bill of the following title, viz:

A bill, to be entitled,

An act for the relief of John H. Rollins;

Which was read the first time and the report received and agreed to.

Mr. Totten, from the judiciary committee, to whom was referred a resolution of the house, instructing said committee to enquire into the expediency of requiring judges of probate to give bond and security for the performance of their official duties, reported, that they have had the same under consideration, and deem it inexpedient to require said judges to give bond and security, and asked to be discharged from the further consideration of the same;

Which was received and agreed to.

Mr. Singleton, from the committee on propositions and grievances, to whom was referred the petition of Benjamin Sones, former sheriff of Hancock county, reported that they had the same under consideration, and deem it inexpedient to grant the prayer of said petition, and ask leave to be discharged from the further consideration of the same;

Which was received and agreed to.

Mr. Connell, from the joint standing committee on claims, to whom was referred the claim of Walter Denny, reported the same back to the house, and asked to be discharged from the further consideration of the same, it being improperly referred;

Which was received and agreed to, and Mr. McInnis permitted to withdraw the claim.

Mr. Wade, from the committee on ways and means, to whom was referred the address of certain ladies, managers of the "Natchez Female Orphan Asylum," reported the same back to the house as having been improperly referred, and recommend its reference to the committee on claims;

Which was received and agreed to.

Mr. Allen, from the standing committee on education, to whom was referred a bill from the senate, entitled,

An act for the establishment of a seminary of learning in the city of Jackson, reported the same back to the house with an amendment;

Which being read, was received and agreed to.

Mr. White, by leave, introduced a bill, to be entitled,

An act to establish the seat of justice in the county of Issaquena;

Which was read the first time.

Mr. Harris moved to reconsider the vote taken on the passage of the bill, entitled,

An act explanatory of an act for the incorporation of the University of Mississippi; approved 24th February, 1844.

The question being taken by yeas and nays, are as follows:

Those who voted in the affirmative, are,

Mr. Speaker, Messrs. Abbott, Adams, Alcorn, Allen, Archer, Berry of Simpson, Berry of Tippah, Brooks, Bynum, Cannon, Carson, Chambers, Chewning, Connell, Crain, Cypert, Foster, Frost, Gilleland, Green of Hinds, Green of Tippah, Griffin, Harris, Hinds, Holleman, Hughes, Huie, Kennedy, Leigh, Lemley, Leonard, Loper, Martin, Maxcy, McDonald, McInnis, McNabb, Metcalf, Moody, Pendleton, Pettus, Pope, Rossman, Rushing, Sessions, Sharkey, Simmons, Simrall, Singleton, Smith of Washington, Smith of Winston, Spann, Stewart, Thompson, Torrey, Walker, Weathersby and Woodbury—59.

Those who voted in the negative, are,

Messrs. Bailey, Beaty, Beene, Binford, Buford, Campbell, Cowan, Cushman, Dilworth of Monroe, Dilworth of Tishemingo, Emanuel, Ewing, Farrar, Fowles, Gibbs, Greaves, Guy, Harrison, Head, Hyneman, Malone, May, McAffee, McCaughan, Millsaps, Moore, Nash, Netterville, North, Randall, Robertson, Rogers, Smiley, Totten, Wade, Warren, White and York—38.

On motion of Mr. Cushman,

The bill was re-committed to a select committee of five.

The chair appointing Messrs. Cushman, Harris, Totten, Green of Hinds and Smiley.

The following message was received from the Senate, by Mr. Wilcox, their secretary:

Mr. Speaker—The senate have given leave to the introduction of bills of the following titles, viz:

A bill, to be entitled,

An act to provide for the appointment of commissioners in the several states of the United States, to take acknowledgments of deeds for lands in this State, and other instruments of writing under seal.

A bill, to be entitled,

An act for the relief of Isaac Chrisman, and for other purposes.

A bill, to be entitled,

An act to carry into effect the agreement of the State of Mississippi with the United States, in relation to the two per cent fund.

A bill, to be entitled,

An act to incorporate Yazoo Lodge No. 42.

A bill, to be entitled,

An act to reserve a board of trustees of the 16th section of township 5, of range 3, east.

A bill, to be entitled,

An act to provide for the construction of a levee on the Mississippi, for the protection and improvement of the state lands.

A bill, to be entitled,

An act to authorize the board of police in Amite county, to create additional districts for the election of justices of the peace in said county.

A bill, to be entitled,

An act to amend an act to incorporate the Chuquerabouleá turnpike company.

A bill, to be entitled,

An act declaring Lusaccona river a navigable stream, and for other purposes.

And have concurred in the resolution from the house fixing on to-day, at 3 o'clock, P. M., for the purpose of electing a public printer.

Mr. Cypert offered the following resolution, viz:

Resolved, That the door-keeper be directed not to distribute any newspapers or documents, or permit the same to be done by newspaper carriers, or other persons, during the session of this house.

Which, on motion of Mr. Harrison,

Was rejected.

The following message was received from the senate, by Mr. Wilcox, their secretary:

Mr. Speaker—The president of the senate has signed,

An act for the relief of Charles Anderson, of Pontotoc county; also,

An act to prescribe the time of holding the probate courts in the counties of Chickasaw, Monroe, Tishemingo and Noxubee:

Which I am instructed to present to the speaker of the house of representatives for his signature.

The senate have passed bills of the following titles, viz:

A bill, to be entitled,

An act to amend an act, entitled, an act to amend an act, ent-

tled, an act to make valid and confirm the last will and testament of William Wall of Monroe county, deceased; approved July 26th, 1843.

A bill, to be entitled,

An act for the relief of Thomas F. Collins.

A bill, to be entitled,

An act to amend the revenue laws of this state,

In which I am instructed to desire the concurrence of the House of Representatives.

And have introduced a bill of the following title:

A bill, to be entitled,

An act for the relief of Henry Lee, a free man of color, of the county of Warren.

Mr. Huie, by leave, introduced a bill, to be entitled,

An act to change the name of Susannah W. House, and for other purposes;

Which was read the first time.

The senate bill, entitled,

An act to provide for an additional justice of the peace in the district of Holmesville;

Was read the first time.

The senate bill, entitled,

An act for the relief of tax payers, and for other purposes;

Was read the first time.

On motion of Mr. Wade,

The rule was suspended, the bill read a second time, and referred to the committee on ways and means.

The resolution from the senate, relative to going into the election of a public printer, on Thursday next,

Was, on motion of Mr. Gilleland,

Laid on the table.

The senate bill, entitled,

An act to amend an act, entitled, an act to amend an act, entitled, an act to make valid and confirm the last will and testament of William Wall of Monroe county, deceased; approved July 26, 1843;

Was read the first time.

The senate bill, entitled,

An act for the relief Thomas F. Collins;

Was read the first time.

The senate bill, entitled,

An act to amend the revenue laws of this state;

Was read the first time.

On motion of Mr. Totten,

The rule was suspended, the bill read a second time, and referred to the committee on ways and means.

Mr. Green of Hinds, by leave, introduced a bill, to be entitled,

An act to incorporate Silas Brown Lodge No. 65, of free and accepted masons;

Which was read the first time.

Mr. Archer, by leave, introduced a bill, to be entitled,

An act to incorporate the town of Greensboro' in Choctaw county, and to repeal all other acts incorporating the same;

Which was read the first time.

Mr. McInnis, by leave, introduced a bill, to be entitled,

An act to authorize the board of police in Green county to levy special taxes, and for other purposes;

Which was read the first time.

Mr. Sessions, by leave, introduced a bill, to be entitled,

An act to repeal an act, entitled, an act to incorporate the university of Mississippi;

Which was read the first time.

Mr. Berry of Tippah, gave notice that he would, on some future day, ask leave to introduce a bill, to be entitled,

An act to declare the embezzling or unlawfully using of public money in this state, to be grand larceny, and for other purposes.

On motion of Mr. Berry of Tippah,

Resolved, That the 40th rule of this house be so amended as to authorize and require the speaker to appoint a standing committee on incorporations.

Mr. Millsaps gave notice that he would, on some future day, ask leave to introduce a bill, to be entitled,

An act to amend the law relative to hawkers and pedlars.

Mr. Beaty, by leave, introduced a bill, to be entitled,

An act to change the manner of appeals before justices of the peace;

Which was read the first time.

On motion of Mr. Gibbs,

Resolved, That the committee on ways and means be instructed to enquire into the expediency of setting a day by law, on which lands may be sold for taxes.

Mr. Allen offered the following resolution, viz:

Resolved, That the standing committees on education and internal improvement, be and are hereby consolidated in the like committees appointed by the senate;

Which was lost.

Mr. White, by leave, introduced a bill, to be entitled,

An act to provide for the payment of the expenses for transcribing the records for the county of Issaquena;

Which was read the first time.

Mr. Connell gave notice that he would, on some future day, ask leave to introduce a bill to repeal the act, approved 13th of May, 1837, prohibiting the introduction of slaves into this state as merchandise, or for sale.

On motion of Mr. Totten,

Resolved, That the house of representatives request the senate to transmit to the house, such information as may be in their possession, in relation to a bill which has passed that body, for the relief of Thomas F. Collins.

On motion of Mr. Pendleton,

Resolved, That the committee of ways and means be requested to inquire into the expediency of amending that portion of the revenue law which relates to the tax on all sales of merchandise by regular merchants, and any other amendments that they may deem just and equitable, and report by bill or otherwise.

On motion of Mr. Emanuel,

Mr. Pendleton was added to the committee on ways and means.

On motion of Mr. Campbell,

Resolved, That the committee on the judiciary be instructed to report a bill, to prevent the frequency of continuances in criminal cases, and to insure the more speedy administration of justice to evil doers.

Mr. Alcorn offered the following resolution, viz:

Resolved, The senate concurring, that the joint select committee, to whom was referred that portion of the governor's message which has reference to the disposition of the 500,000 acres of land, donated to the State of Mississippi by the general govern-

ment, for purposes of internal improvement, be instructed to incorporate in any bill that they may report, a clause granting to settlers upon said land the right of pre-emption to one quarter section thereof, at a price of not less than one dollar and twenty-five cents nor more than one dollar and fifty cents per acre, guarding said clause with such provisions as they may deem necessary.

Mr. Alcorn moved that the rule requiring joint resolutions to lie one day on the table, be dispensed with;

Which was decided in the negative by yeas and nays, as follows:

Those who voted in the affirmative, are,

Mr. Speaker, Messrs. Abbott, Adams, Alcorn, Archer, Bailey, Beaty, Beene, Binford, Bynum, Carson, Chewning, Connell, Crain, Cushman, Cypert, Dilworth of Tishemingo, Emanuel, Ewing, Foster, Fowles, Gibbs, Gilleland, Greaves, Green of Hinds, Guy, Harris, Harrison, Hinds, Holleman, Hughes, Huie, Hyneman, Kennedy, Leigh, Lemly, Malone, Martin, McAffee, McDonald, McInnis, Moody, Moore, Nash, North, Pendleton, Pope, Rossman, Rushing, Smith of Washington, Spann, Stewart, Thompson, White, Woodbury and York—56.

Those who voted in the negative, are,

Messrs. Allen, Berry of Tippah, Brooks, Buford, Campbell, Cannon, Cowan, Dilworth of Monroe, Farrar, Fontaine, Frost, Green of Tippah, Griffin, Head, Leonard, Loper, Maxcy, McCaughan, McNabb, Metcalf, Millsaps, Netterville, Pettus, Randall, Robertson, Rogers, Sharkey, Simmons, Simrall, Singleton, Smith of Winston, Torrey, Totten, Wade, Walker, Warren and Weathersby—37.

Mr. Leonard, by leave introduced a bill, to be entitled,

An act to declare Mike's or Fishing river, in the county of Hancock, a navigable stream;

Which was read the first time.

The following message was received from the senate, by Mr. Wilcox, their secretary:

Mr. Speaker—In pursuance of the request of the house of representatives for information in relation to a bill of the senate, for the relief of Thomas F. Collins, the senate have instructed me to transmit the petition of Thomas F. Collins to the legislature of the State of Mississippi.

Mr. Guy, by leave, introduced a bill, to be entitled,

An act to repeal the 4th section of an act, entitled, an act to amend an act to incorporate the town of Grenada, in the county of Yalobusha, and for other purposes, approved February 22, 1840;

Which was read the first time.

On motion of Mr. Warren,

Resolved, That the judiciary committee be requested to inquire into the expediency of introducing a bill making sheriff's receipts evidence absolute of the payment of any execution placed in his hands for collection, without reference to the kind of funds for which said receipt was executed, and that the securities of the sheriff be liable on motion of the plaintiff in execution, for the amount specified in the receipt.

On motion of Mr. Moody,

Resolved, That his excellency, the governor, be requested to inform this house, what action has been taken under and in pursuance of an act passed on the 16th of February, 1838, in reference to the Newton and Lauderdale rail road and turnpike company.

On motion of Mr. White,

Resolved, That the judiciary committee be requested to frame such a change in the law regulating the advertisement and sale of runaway slaves, as to prevent the sale of such runaway slaves in the space of six months, but that they be conveyed by the sheriff in whose custody they may be, to the penitentiary at Jackson, in this state, disposed of as the convicts are, for the term of two years, and then sold, unless claimed and proved by the owner thereof.

On motion of Mr. Dilworth of Tishemingo,

Resolved, That the committee of ways and means be instructed to inquire into the expediency of requiring the assessors of taxes to insert the given name of the tax payer in full, and not by initials, as heretofore practiced.

On motion of Mr. Hinds,

The orders of the day were taken up.

The bill, to be entitled,

An act to amend the act of the Mississippi territory;

Was read the second time, and ordered to be engrossed for the third reading on to-morrow.

On motion of Mr. Kennedy,

The house took a recess until half-past 2 o'clock, P. M.

HALF PAST 2 O'CLOCK, P. M.

The house resumed its session.

The senate having been informed that the hall of the house was now ready for their reception, to the end that the two houses might proceed to the election of a public printer, entered, preceded by the sergeant-at-arms, and took the seats assigned them.

The president having explained the object of the joint assemblage, the two houses, on motion of Mr. Guion of the senate, proceeded to the election of public printer, *viva voce*.

Mr. Fox of the senate, nominated Messrs. Price and Fall.

Mr. Connell of the house, nominated Messrs. Smyth and Pickett.

Mr. Guion of the senate, nominated Thomas Palmer.

Those who voted for Messrs. Price and Fall, are

Senators—Mr. President, Messrs. Acker, Briscoe, Beene, Boone, Dabney, Fox, Horne, Johnson, Lumpkin, Labauve, Price, Ramsay, Tillman and Willburn—15.

Representatives—Messrs. Abbott, Adams, Archer, Beene, Barry of Tippah, Buford, Bynum, Campbell, Carson, Chambers, Chewning, Cowan, Crain, Dilworth of Monroe, Farrar, Frost, Gibbs, Gilleland, Greaves, Green of Tippah, Griffin, Guy, Harris, Hinds, Holleman, Huie, Hyneman, Kennedy, Leigh, Martin, McAffee, McCaughan, McDonald, McNabb, Metcalf, Moody, Moore, Pemberton, Robertson, Rossman, Simmons, Singleton, Stewart, Thompson, Torrey, Totten, Wade, Walker, Warren, Weathersby, Woodbury and York—52.

Those who voted for Messrs. Smyth and Pickett, are

Senators—Messrs. Adams, Durr, Lipscomb, Nicholson and Pegues—5.

Representatives—Mr. Speaker, Messrs. Cannon, Connell, Cushman, Cypert, Dilworth of Tishemingo, Fontaine, Hughes, Lemly, Loper, Malone, Maxcy, Millsaps, Peters, Randall and Smyth of Winston—16.

Those who voted for Thomas Palmer, are,

Senators—Messrs. Booth, Dupree, Guion, Lansdale, Metcalf, Miles, Stewart, Turner, Wall and Williamson—10.

Representatives—Messrs. Alcorn, Allen, Bailey, Beaty, Binford Brooks, Emanuel, Ewing, Foster, Fowles, Green of Hinds, Harrison, Head, McInnis, Nash, Netterville, North, Pope, Rogers,

Rushing, Sessions, Sharkey, Simrall, Smiley, Smith of Washington, Spann and White—28.

The president then declared that Messrs. Price and Fall having received a majority of all the votes given, were duly and constitutionally elected public printers for the ensuing two years, subject in their charges to any rates that the legislature may hereafter fix by law.

The two houses having accomplished the business of their joint assemblage,

The senate retired.

On motion of Mr. Allen,

The house adjourned.

THURSDAY, JANUARY 15, 1846.

The House met pursuant to adjournment;

And its deliberations were opened with prayer by the Rev. J. H. Waddel, of Jasper county.

The speaker announced the following standing committee on incorporations, viz:

Messrs. Simrall, Green of Tippah, Fowles, Smyth of Winston, and Beaty.

Mr. Pendleton presented the memorial of the president and trustees of the Natchez hospital, in Adams county, asking for an appropriation for certain purposes therein contained;

Which was referred to the committee on propositions and grievances.

Mr. Greaves presented the petition of John O. Cotton, of Hinds county, praying the passage of a law exempting him from a judgment therein contained;

Which was referred to a select committee of three, consisting of Messrs. Greaves, Green of Hinds, and Spann.

Mr. McNabb presented the claim of W. Fore, former sheriff of Rankin county;

Which was referred to the committee on claims.

Mr. Lemly presented the claims of J. D. W. Duckworth, former sheriff of Smith county;

Which was referred to the same committee.

The following message was received from the Senate, by Mr. Wilcox, their secretary:

Mr. Speaker—The senate have adopted joint resolutions, pledging the state of Mississippi to the support of the general government, maintaining the national rights, in the Oregon territory;

In which I am instructed to desire the concurrence of the house of representatives.

Mr. Emanuel presented the claim of J. Smith;

Which was referred to the committee on claims.

Mr. Simcall presented the claim of T. Davidson, accompanied with a bill, to be entitled, an act to authorize the legal representatives of Benjamin T. Herbert to sell his real estate;

Which were referred to the committee on the judiciary.

Mr. Singleton, from the committee on propositions and grievances, to whom was referred the petition of sundry citizens of the county of Lafayette, praying the enactment of a law further protecting the navigation of the Yock-na-pa-tapha river from all obstructions, &c., reported that it would be inexpedient and useless to pass any further law on the subject;

Which was received and agreed to.

He also, from the same committee, to whom was referred the petition of sundry citizens of Tishemingo county, praying the passage of a law authorizing Lester Langford to sell vinous and spiritous liquors of every kind whatsoever, in the limits of said county, without obtaining a license therefor, reported that it would be inexpedient to grant the prayer of said petitioner, and asked to be discharged from the further consideration of the same;

Which was received and agreed to.

On motion of Mr. Fontaine,

Resolved, That the judiciary committee be instructed to inquire into the expediency of repealing the 5th section of an act entitled "an act for the more perfect organization of the superior court of chancery, approved Feb. 24, 1844, and also of amending the act of the last session of the legislature, organizing the judicial districts, in relation to the test and return of process, and report by bill or otherwise.

Mr. Totten, from the judiciary committee, to whom was referred a resolution of the house, instructing said committee to inquire into

the expediency of amending an act "declaring certain copies competent testimony, and for other purposes, approved May 13, 1837, &c.," reported a bill to be entitled an act to authorize taking depositions in certain causes, and for other purposes;

Which was read the first time, and the report received and agreed to.

Mr. Wade from the committee to whom was referred two petitions signed by sundry citizens of Harrison county, praying the abolition of poll tax in this state, and the adoption of the *ad valorem* system of taxation, reported that they deem it inexpedient to legislate on the subject;

Which was received and agreed to.

Mr. Kennedy offered the following resolution:

Resolved, That the clerk of this house be directed to deliver over to the public printers, the manuscript copies of the journals of each day, after the same shall have been read in the house, within three days thereafter;

Which was lost.

On motion of Mr. Cypert,

Resolved, That the committee on elections be required to inquire into the constitutionality and expediency of changing the time of holding elections for county and beat officers, that the same may not be held on the days for holding elections for members to congress and state officers, and that they report by bill or otherwise.

Mr. Abbott, by leave, introduced,

A bill, to be entitled,

An act to authorize and require the trustees of schools and school lands in the city of Columbus, in township 18 south, of range 18 west, to execute deeds to lots of less dimensions than one fourth of one acre, and for other purposes;

Which was read the first time.

The following message was received from his excellency the governor, by Mr. Nicholson his private secretary:

To the House of Representatives:

A resolution from your body has been submitted to me, making inquiry as to "what action has been taken under, and in pursuance of an act passed on the 16th February, 1838, in referrence to the Newton and Lauderdale railroad and turnpike company." It is

not in my power to inform the house of representatives what has been done in pursuance of the act referred to. The company which it incorporated, was not required to report its proceedings to the executive department, and I have no data upon which to base a statement as to its action. By the third section of an act, approved February 15, 1839, supplemental to the said act of incorporation, provision was made for loaning $30,000 of the "*surplus revenue* of the *state of Mississippi*," to the company, for the return of which money, the company was required to execute three bonds for the sum of ten thousand dollars each, payable in ten, fifteen, and twenty years. The thirty thousand dollars was to be expended in improving the navigation of the Chickasawha river. For more specific information, I refer to the act itself (page 365 of laws of 1839.) The bonds were executed and the auditor drew three warrants on the treasury on the 12th day of June, 1839, for ten thousand dollars each, payable out of the "surplus revenue."

By an act, approved July 26, 1843, the governor was required to cause suit to be brought on these bonds. The law had not been enforced when I came into office, and for the reason, as I was informed, that the district attorney in the judicial district where the company is located, was one of the obligors to the bonds, and no power had been *specially* given to employ other council. In 1844, farther powers were conferred in relation to the employment of attorneys, and very soon after the adjournment of the legislature in that year, I made application for the bonds at the office of the auditor of public accounts, with a view to the enforcement of the law, and was answered that they had been entrusted to a legislative committee having the subject in charge in July, 1843, and that they had not been returned. I made diligent search for them in all the departments, in the offices of the clerks and secretary of the two houses, and wherever else I thought they might possibly be found. I corresponded with every one whom I thought likely to know any thing about them, but up to this time they have not been found.

A. G. BROWN.

EXECUTIVE CHAMBER,
15th January, 1846.

Mr. Leigh offered the following resolution, viz:

Resolved, That the committee on the judiciary be instructed to

inquire into the expediency of so altering the law now in force relative to appeals from justices courts, so that no appeal shall be taken from the justices courts to the circuit court, in case of debt, by notes or accounts, and further to so change the law as relates to the appeal to a jury in justices courts—to a jury of 12 men, instead of a jury of 7, as now provided by law, and their decision to be final;

Which was lost.

On motion of Mr. McConnell,

Resolved, That this house will not receive any claim against the state, after the 10th of February, to be allowed in the appropriations at the present session of the legislature, except such as are necessary for the expenses of this session of the legislature.

On motion of Mr. Simrall,

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of repealing an act entitled an act to amend an act to regulate the liens of judgments and decrees, approved Feb. 24, 1841, and for other purposes, approved Feb. 24, 1844, or so amending the same as to compel the clerks of the several courts, upon the application of plaintiffs, their agents or attorneys, to enroll judgments or decrees within a specified time after adjournment of the court rendering the same, and to make the lien of such judgments and decrees enrolled within said specified time, operate from the day on which they were recorded.

Also, so to amend the 9th section thereof, as to require the sheriff or other officers making money by the sale of property under execution, to apply the money to the execution under which the property was sold.

On motion of Mr. Berry, of Tippah,

Mr. Simrall was added to the judiciary committee.

Mr. Cushman, from the committee to whom was referred the bill to be entitled an act explanatory of an act for the incorporation of the university of Mississippi, reported the same back to the house, with an amendment, to which they asked the concurrence of the house;

Which was received and agreed to.

Mr. Totten moved that the amendment be considered as engrossed, and the bill as amended, be put upon its passage.

Before the question was put,

On motion of Mr. Smiley,

The house resolved itself forthwith into committee of the whole on said bill,

Mr. McNabb in the chair.

After some time spent therein, the committee rose and reported the bill back to the house without amendment; which,

On motion of Mr. McNabb,

Was received.

On motion of Mr. Fontaine,

The report was agreed to.

Mr. Simrall offered the following resolution:

Resolved, That the bill now under consideration, be referred to the committee on education, with instructions to inquire into the expediency of dividing the state into four collegiate districts, and distributing the seminary fund equally among said districts for collegiate purposes, and also to inquire into the expediency of memorializing congress to authorize the state to use said fund for the purpose of common school education throughout the state.

The question was then taken on the above resolution, and decided in the negative by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Allen, Alcorn, Adams, Archer, Beaty, Bynum, Berry of Simpson, Beene, Cypert, Chambers, Crain, Chewning, Foster, Frost, Gilleland, Green of Hinds, Huie, Head, Hinds, Kennedy, Leonard, Martin, Moody, Metcalf, May, McInnis, Maxcy, Pope, Randall, Rushing, Rogers, Rossman, Smith, Sessions, Simrall, Thompson, White, Weathersby and Woodbury—39.

Those who voted in the negative, are,

Mr. Speaker, Messrs. Abbott, Brooks, Berry of Tippah, Baily, Binford, Buford, Cushman, Carson, Campbell, Connell, Cowan, Cannon, Dillworth of Monroe, Dilworth of Tishemingo, Ewing, Emanuel, Fowles, Fontaine Farrar, Gibbs, Griffin, Green of Tippah, Guy, Harris, Holleman Hughes, Hyneman, Harrison, Leigh, Loper, Lemly, Maxcy, Millsaps, Malone, McAfee, McCaughan, McDonald, McNabb, Moore, North, Netterville, Pendleton, Pettus, Robertson, Steward, Simmons, Smiley, Spann, Singleton, Smith of Winston, Sharkey, Torrey, Totten, Walker and York—56.

The question then recurred in the passage of the bill;

Before it was taken,

On motion of Mr. Harris,

The title was amended by striking out the words "explanatory of," and inserting "supplementary to,"

And then the bill passed with its title as amended.

On motion of Mr. McNabb,

The resolution from the senate, consolidating the committee of the two houses, on internal improvement, making it a joint standing committee of both houses;

Was concurred in.

On motion of Mr. Wade,

The house adjourned.

FRIDAY, January 16, 1846.

The House met pursuant to adjournment;

And its deliberations were opened with prayer by the Rev. Dr. Leavel of the city of Jackson.

Mr. Moody presented the petition of sundry citizens of Clark county, praying the passage of a law to grant them a charter for certain purposes therein contained;

Which was referred to a select committee of three, consisting of Messrs. Moody, Buford and Thompson.

Mr. McCaughan presented the petition of sundry citizens of Harrison county, desiring the legislature to memorialize congress to make appropriations for the erection of light houses, &c.

Which was referred to a select committee of three, consisting of Messrs. McCaughan, Sharkey and Rossman.

Mr. Cowan presented the petition of sundry citizens of North Mount Pleasant, accompanied with a bill, to be entitled,

An act to repeal an act, approved 26th January, 1844, entitled an act to repeal an act incorporating the town of North Mount Pleasant, and for other purposes, &c.;

Which was referred to the committee on incorporations.

Mr. Harrison presented the claim of Wm. Smith;

Which was referred to the committee on claims.

Mr. Leonard presented the claim of Benjamin Sones;

Which was referred to the same committee.

Mr. Holleman presented the claim of Rebecca Fowler;

Which was similarly referred.

Mr. May presented the petition of sundry citizens of the county of Tunica, relative to the remittance of a fine imposed upon Wm. Rawls;

Which was referred to a select committee of three, consisting of Messrs. May, Spann and Woodbury.

Mr. Dilworth of Tishemingo presented the petition of Jacob Weever, praying the passage of a law granting him the right to sell spirituous liquors without license;

Which was referred to the committee on propositions and grievances.

Mr. Sessions presented the petition of Elisha Fox;

Which was referred to a select committee of three, consisting of Messrs. Sessions, Emanuel and Sharkey.

Mr. Singleton, from the committee on propositions and grievances, to whom was referred the petition of sundry citizens of the county of Tishemingo, praying the passage of a law authorizing Gideon Butler to sell spirituous liquors in any quantity, for the term of three years without license, reported that they are of opinion that no such privileges ought to be granted, and ask leave to be discharged from the further consideration of the same;

Which was received and agreed to.

Mr. Sessions, from the joint standing committee on enrolled bills, reported that they have examined,

An act concerning the estate of William B. Smith of Warren county;

And found the same correctly enrolled.

Mr. Totten, from the judiciary committee, to whom was referred a resolution of the house, instructing the committee to inquire into the expediency of further providing some law, regulating the mode of printing the reports of the high court, reported,

A bill, to be entitled,

An act in relation to the reporter of the high court of errors and appeals;

Which was read the first time and the report received and agreed to.

Mr. Totten, from the same committee, to whom was referred

a resolution of the house, instructing said committee to inquire into the expediency of providing by law a uniform and expeditious mode by which the clerk of the superior court of chancery and high court of errors and appeals shall collect their fees, reported,

A bill, to be entitled,

An act prescribing the mode of collecting costs in certain cases, and for other purposes;

Which was read the first time and the report received and agreed to.

Mr. Thompson, from the select committee, to whom was referred the petition of Abner Crider, reported;

A bill, to be entitled,

An act for the relief of Abner Crider of Copiah county;

Which was read the first time, and the report received and agreed to.

Mr. Farrar, from the select committee, to whom was referred the petition of B. W. and W. M. Taylor, praying the passage of a law to relieve B. W. Taylor from civil disabilities, reported,

A bill to be entitled,

An act to remove the civil disabilities of B. W. Taylor;

Which was read the first time, and the report received and agreed to.

Mr. May, by leave, introduced,

A bill, to be entitled,

An act to increase the fees of certain officers of the county of Tunica;

Which was read the first time.

Mr. Spann, by leave, introduced,

A bill, to be entitled,

An act to incorporate Tappan lodge No. 59, of free and accepted masons;

Which was read the first time.

Mr. Guy, by leave, introduced,

A bill, to be entitled,

An act to divide the police districts known as the south-western district, in Yalobusha county, into two separate magistrate's districts, and for other purposes;

Which was read the first time.

Mr. Smith of Washington gave notice, that he would, on Monday next, ask leave to introduce,

A bill, to be entitled,

An act for the construction of a levee on the Mississippi river, in the counties of Tunica, Coahoma, Bolivar, Washington and Issaquena, and to change the mode of electing the members of the board of police in said counties.

Mr. Greaves, by leave, introduced,

A bill, to be entitled,

An act to authorize the mayor and aldermen of the city of Jackson to erect a bridge across Pearl river;

Which was read the first time.

Mr. Pendleton, from the select committee, to whom was referred the petition of Nathaniel Hoggatt, jr., relative to the slaves January and William, reported,

A bill, to be entitled,

An act to emancipate certain slaves therein named;

Which was read the first time, and the report received and agreed to.

Mr. Berry of Tippah, by leave, introduced,

A bill, to be entitled,

An act to declare the embezzling or unlawfully using of public money in this state, to be felony, and for other purposes;

Which was read the first time.

Mr. Pendleton, by leave, introduced,

A bill, to be entitled,

An act to repeal an act regulating the practice of circuit courts;

Which was read the first time.

Mr. Randall, by leave, introduced,

A bill, to be entitled,

An act to revive an act, entitled, an act to incorporate the Eagle rail road and lumber company;

Which was read the first time.

Mr. Malone, by leave, introduced,

A bill, to be entitled,

An act to change the name of Elizabeth Vines to that of Elizabeth George Wilson;

Which was read the first time.

Mr. Connell, by leave, introduced,

A bill, to be entitled,

An act to repeal an act to prohibit the introduction of slaves into this state as merchandize or for sale, approved May 13th, 1837, and for other purposes;

Which was read the first time.

Mr. McDonald, by leave, introduced,

A bill, to be entitled,

An act to change the time of holding the probate court in the county of Jasper;

Which was read the first time.

Mr. Cushman offered the following resolution, viz:

Resolved, by the Legislature of the State of Mississippi, That the clerk of the house be required to inform his excellency, A. G. Brown, the governor of this state, that the two houses elected, on the 10th instant, by joint vote, the Hon. Joseph W. Chalmers a senator in congress from this state, to fill the unexpired term caused by the resignation of the Hon. R. J. Walker; and on the same day they elected Gen. Henry S. Foote a senator in congress, from this state, from and after the 4th day of March, 1847, for the term of six years, and he is hereby authorized to issue commissions to them accordingly.

On motion of Mr. Cushman,

The rule requiring joint resolutions to lie one day on the table was dispensed with.

On his further motion,

The resolution was amended by striking out "the house" and inserting, "of the house of representatives;

And the resolution passed as amended.

Mr. Wade, by leave, introduced,

A bill, to be entitled,

An act to amend an act entitled, an act to extend the remedy by attachment and garnishment, approved February 23d, 1844;

Which was read the first time.

Mr. Chambers, by leave, introduced,

A bill, to be entitled,

An act for the relief of William Brown;

Mr. Chambers moved that the constitutional rule requiring bills to be read on three several days, be dispensed with;

Which was lost.

Mr. McDonald, by leave, introduced.

A bill, to be entitled,

An act to incorporate Sterling lodge No. 54, of free and accepted masons;

Which was read the first time.

Mr. Stewart, by leave, introduced,

A bill, to be entitled,

An act for the benefit of Rufus Ford;

Which was read the first time.

On his motion,

The rule was suspended, the bill read the second and third time forthwith, and passed with its title as stated.

Mr. Walker, by leave, introduced,

A bill, to be entitled,

An act to amend an act, approved 23d February, 1844, altering and amending the act incorporating the town of Houston in the county of Chickasaw;

Which was read the first time.

Mr. McCaughan, by leave, introduced,

A bill, to be entitled,

An act to provide for a geological survey of this state;

Which was read the first time.

Mr. Martin, by leave, introduced,

A bill, to be entitled,

An act to amend an act entitled, an act to regulate elections in this state, approved March 2d, 1833;

Which was read the first time.

Mr. Pendleton, by leave, introduced,

A bill, to be entitled,

An act authorizing John B. Nevitt. Wm. St. John Elliott and P. H. McGraw, commissioners of the Natchez cathedral, to raise twenty thousand dollars by lottery;

Which was read the first time.

Mr. Pendleton moved the suspension of the rule;

Which was lost.

On motion of Mr. Fontaine,

Resolved, That hereafter, the orders of the day shall be taken up at 12 o'clock, M., and shall, in no case, be deferred for other business.

Mr. Chewning, by leave, introduced,

A bill, to be entitled,

An act to authorize the same person to hold both the offices of circuit and probate clerk in Sunflower county;

Which was read the first time.

On motion of Mr. Metcalf,

Resolved, That the committee on elections be instructed to inquire into the expediency of changing the constitution relative to the mode of electing members of the board of police, so that each beat elect their own members.

Mr. Huie offered the following resolution:

Resolved, That the committee on the judiciary be instructed to inquire into the expediency,

First, of amending an act, passed June 14th, 1822, so as to make the prosecutor in all inferior offences liable for costs in all cases where the state fails therein, unless the jury trying such prosecution, shall certify in their verdict that there were reasonable grounds to suppose the defendant having been guilty of the offence charged;

Second, and of amending an act, passed Feb. 10, 1844, so as to provide that in all cases where the defendant upon conviction in any criminal prosecution is insolvent, the state shall pay its own costs.

Mr. Brooks offered the following amendment:

Amend by inquiring into the expediency of having a select grand jury, and that they discriminate on all cases that may be presented, whether the prosecution can be sustained;

Which was lost.

Mr. Smith of Washington offered the following amendment, viz:

That the committee on the judiciary be instructed to bring in a bill to suppress riots, unlawful assemblages, and breaches of the peace, and vest the prosecution of the same in the justices of the peace;

Which was lost.

Mr. Harrison offered the following amendment:

After the word resolved, insert, "that it shall be the duty of the grand jurors, in all cases to refuse to find a true bill and the justices to commit, unless they are of opinion the evidence is sufficiently

strong to convict the offender, were he then on his trial before a petit jury;

Which was lost.

The question was then taken on the adoption of the first clause, and decided in the affirmative by yeas and nays, as follows:

Those who voted in the affirmative, are,

Mr. Speaker, Messrs. Abbott, Archer, Berry of Simpson, Berry of Tippah, Buford, Bynum, Cannon, Carson, Chambers, Connell, Cowan, Dilworth of Monroe, Dilworth of Tishemingo, Fontaine, Fowles, Gilleland, Greaves, Green of Tippah, Griffin, Guy, Holleman, Hughes, Huie, Leigh, Malone, Martin, Maxcy, McDonald, McNabb, Millsaps, Moore, Pettus, Rossman, Sessions, Sharkey, Singleton, Smith of Washington, Stewart, Torrey, Totten, Wade, Walker, Warren, Weathersby and York—46.

Those who voted in the negative, are,

Messrs. Adams, Alcorn, Bailey, Beaty, Beene, Binford, Brooks, Campbell, Cypert, Ewing, Farrar, Foster, Frost, Gibbs, Green of Hinds, Harrison, Head, Hinds, Hyneman, Kennedy, Leonard, Loper, McAffee, McCaughan, McInnis, Metcalf, Moody, Nash, Netterville, North, Pendleton, Pope, Randall, Robertson, Rogers, Rushing, Simrall, Smiley, Smyth of Winston, Spann, Thompson and White—43.

The question then recurring on the adoption of the second clause;

Mr. Abbott offered the following amendment, viz:

"And also that the court trying the same shall tax the cost one way or the other in every instance."

Before the question was taken,

On motion of Mr. Griffin,

The second clause and amendment were laid on the table.

On motion of Mr. Maxcy,

Leave of absence was granted to Mr. Crain until Monday next.

On motion of Mr. Cushman,

Leave of absence was granted to Mr. Harris until Tuesday next.

The following message was received from his excellency the governor by Mr. Nicholson, his private secretary:

To the Senate and House of Representatives:

During the last summer, it was believed that a portion of the labor in the penitentiary could be more profitably employed in

building a wall around the capitol than any thing else. With the concurrence of the inspectors and superintendent of the prison, the work was, by my direction, commenced, and considerable progress made, when it was arrested by the inclemency of the weather.

If the legislature concurs with me in the opinion that the building should be protected by a substantial fence, it will be found necessary to make an appropriation to purchase a portion of the materials. The whole of the brick work may be done without a dollar's outlay. The stone and iron will have to be paid for, if the work is carried on. Mr. John Robb, an experienced stone cutter, in this vicinity, has quarried a quantity of stone suitable for the purpose, which he proposes to sell to the state on as good terms as it can be purchased elsewhere. The state architect, Wm. Nichols, Esq., corresponded, by my direction, with iron founders in Louisville, Cincinnati and Pittsburg, with a view of ascertaining the price at which the iron could be delivered at Vicksburg, and he is prepared to submit an exact estimate of the whole cost of the work. The capitol, in its present condition, is continually trespassed upon. This, of itself, is a good reason why the fence should be made, to say nothing of its present neglected and unseemly appearance. No contracts have been made with any person for the stone or iron, for the reason that no one had authority to make them; the whole matter is submitted to the legislature.

A portion of the roof on the north-west corner of the capitol was blown off in a violent storm, last summer. For want of a better material at hand it was replaced with shingles. The safety of the building requires that something less combustible should be substituted in place of the shingles.

A. G. BROWN.

EXECUTIVE CHAMBER,
16th January, 1846.

The following message was received from the senate, by Mr. Wilcox their secretary:

Mr. SPEAKER—The senate have adopted the following resolutions:

Resolved, That the house of representatives concurring in the joint select committee to draft an apportionment bill, be instructed to report a bill reducing the number of senators and representatives at least one-fourth their present number.

Resolved, The house of representatives concurring, that the Hon. John H. Horne be added to the joint select committee to draft an apportionment bill;

And have passed bills of the following titles, viz:

A bill, to be entitled,

An act to change the time of holding the circuit court of Tallahatchie county;

A bill, to be entitled,

An act authorizing the board of police in Amite county to create additional districts for the election of justices of the peace in said county;

A bill, to be entitled,

An act for the relief of Leah Busby, a woman of color;

A bill, to be entitled,

An act providing for the purchase of the book called North on Probate Courts;

In which I am instructed to desire the concurrence of the house of representatives.

And have passed a bill from the house of representatives, to be entitled,

An act concerning the estate of W. B. Smith, deceased, late of Warren county.

The president of the senate has signed an act from the house for the relief of Joseph Matthews Wells.

Mr. Kennedy moved that the house concur in the first resolution in the above message.

The question being taken,

Was decided in the negative by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Baily, Beaty, Berry of Simpson, Binford, Bynum, Cannon, Chewning, Ewing, Farrar, Foster, Fowles, Frost, Harrison, Head, Holleman, Kennedy, Lemly, Leonard, Loper, McAfee, McCaughan, McDonald, McInnis, McNabb, Metcalf, Moody, Moore, Netterville, North, Pettus, Randall, Rogers, Simmons, Simrall, Smiley, Smith of Washington, Smyth of Winston, Stuart, Thompson and Walker—41.

Those who voted in the negative, are,

Mr. Speaker, Messrs. Abbott, Adams, Alcorn, Archer, Beene, Berry of Tippah, Brooks, Buford, Campbell, Carson, Chambers,

Connell, Cowan, Cushman, Cypert, Dilworth of Monroe, Dilworth of Fishemingo, Emanuel, Fontaine, Gibbs, Gilleland, Greaves, Green of Hinds, Green of Tippah, Griffin, Guy, Hinds, Hughes, Huie, Hyneman, Leigh, Malone, Martin, Maxcy, Millsaps, Nash, Pendledleton, Pope, Robertson, Rossman, Rushing, Sharkey, Singleton, Spann, Torrey, Totten, Wade, Warren, White, Woodbury and York—52.

On motion of Mr. Gilleland,

The second resolution was concurred in.

The senate bill, entitled,

An act to change the time of holding the circuit court in the county of Tallahatchie;

Was read the first time.

On motion of Mr. Bailey,

The rule was suspended, the bill read the second and third time and passed with its title, as stated.

The senate bill, entitled,

An act to authorize the board of police in Amite county to create additional districts for the election of justices of the peace in said county;

Was read the first time.

On motion of Mr. Smiley,

The rule was suspended and the bill read the second time.

Several amendments being offered,

On his further motion,

The bill was referred to a select committee of seven.

The chair appointed Messrs. Smiley, McNabb, York, Green of Hinds, Lemly, Cushman and Buford.

The senate bill, entitled,

An act for the relief of Leah Beasly, a woman of color;

Was read the first time.

The senate bill, entitled,

An act providing for the purchase of the book called "North on Probate Courts;"

Was read the first time.

The resolution, from the senate, pledging the State of Mississippi to the support of the general government, in maintaining the national right to the Oregon territory;

Was read the first time.

Mr. McNabb moved that the house concur unanimously.

Mr. Cushman rose to a point of order, stating that the rule required that any proposition to tax the people should be first discussed in committee of the whole;

Which point was overruled by the chair.

The question then recurred on the motion to concur;

Which, on motion of Mr. Greaves,

Was divided and taken separately on the adoption of the resolutions.

The first resolution was concurred in by yeas and nays, as follows:

Those who voted in the affirmative, are,

Mr. Speaker, Messrs. Abbott, Adams, Archer, Bailey, Beaty, Beene, Berry of Simpson, Berry of Tippah, Binford, Buford, Bynum, Campbell, Cannon, Carson, Chewning Connell, Cowan, Cushman, Cypert, Dilworth of Monroe, Dilworth of Tishemingo, Emanuel, Ewing, Farrar, Fontaine, Foster, Fowles, Frost, Gibbs, Gilleland, Greaves, Green of Hinds, Green of Tippah, Griffin, Guy, Harrison, Head, Hinds, Holleman, Hughes, Huie, Hyneman, Kennedy Leigh, Lemley, Leonard, Loper, Malone, Martin, Maxcy, McAffee, McCaughan, McDonald, McInnis, McNabb, Metcalf, Millsaps, Moody, Moore, Netterville, North, Pendleton, Pettus, Pope, Randall, Robertson, Rogers, Rossman, Rushing, Sessions, Sharkey, Simmons, Simral, Singleton, Smiley, Smith of Washington, Smyth of Winston, Spann, Stuart, Thompson, Torrey, Totten, Wade, Walker, Warren, Weathersby, White, Woodbury and York—90.

Mr. Alcorn voted in the negative.

The question was then taken on the second resolution and adopted unananimously.

Er. Pettus moved to amend the third resolution by striking out the word "one," and insert "formed," and also strike out the word "other," and insert "latter;"

Which was lost.

Mr. Singleton moved to strike out "men and money;"

Which was decided in the negative by yeas and nays, as follows:

Those who voted in the affirmative, are,

Mr. Speaker, Messrs. Abbott, Adams, Alcorn, Archer, Bailey,

Beaty, Bynum, Cypert, Emanuel, Ewing, Farrar, Foster, Fowles, Frost, Gilleland, Greaves, Green of Hinds, Harrison, Head, Leonard, Malone, Martin, McInnis, Nash, Netterville, North, Pope, Rogers, Rushing, Sessions, Sharkey, Simmons, Simrall, Singleton, Smiley, Smith of Washington, Spann, Torrey, Wade, White, Woodbury and York—43.

Those who voted in the negative, are,

Messrs. Beene, Berry of Simpson, Berry of Tippah, Binford, Buford, Campbell, Cannon, Carson, Connell, Cowan, Cushman, Dilworth of Monroe, Dilworth of Tishemingo, Gibbs, Green of Tippah, Griffin, Guy, Hinds, Hyneman, Hughes, Huie, Holleman, Kennedy, Leigh, Lemley, Loper, Maxcy, McAffee, McCaughan, McDonald, McNabb, Metcalf, Millsaps, Moody, Moore, Pendleton, Pettus, Randall, Robertson, Rossman, Smyth of Winston, Stuart, Thompson, Totten, Walker, Warren and Weathersby—48.

The question was then taken on the adoption of the third resolution, and decided in the affirmative by yeas and nays, as follows:

Those who voted in the affirmative, are,

Mr. Speaker, Messrs. Abbott, Adams, Archer, Baily, Beene, Berry of Simpson, Berry of Tippah, Binford, Buford, Bynum, Campbell, Cannon, Carson, Chewning, Cowan, Cushman, Dilworth of Monroe, Dilworth of Tishemingo, Farrar, Fontaine, Frost, Gibbs, Gilleland, Greaves, Green of Tippah, Griffin, Guy, Hinds, Holleman, Hughes, Huie, Hyneman, Kennedy, Leigh, Lemly, Loper, Malone, Martin, Maxcy, McAfee, McCaughan, McDonald, McInnis, McNabb, Metcalf, Millsaps, Moody, Moore, Pendleton, Pettus, Pope, Randall, Robertson, Rossman, Sessions, Simmons, Singleton, Smith of Washington, Smith of Winston, Spann, Stewart, Thompson, Torrey, Wade, Warren, Weathersby, Woodberry and York—72.

Those who voted in the negative, are,

Messrs. Alcorn, Beaty, Cypert, Emanuel, Ewing, Foster, Fowles, Harrison, Head, Leonard, Nash, Netterville, North, Rogers, Rushing, Sharkey, Simral, Smiley and White—20.

The question was then taken separately, on the adoption of the fourth and fifth resolutions, and the preamble, and decided in the affirmative.

Pending the consideration of the above resolution,

The following message was received from the senate, by Mr. Wilcox, their secretary, viz:

Mr. Speaker—The senate have passed bills from the house of representatives of the following titles:

A bill, to be entitled,

An act to detach a portion of the county of Lafayette therefrom, and attach the same to the county of Marshall, and for other purposes;

A bill, to be entitled,

An act to establish the county seat of Washington county;

And have made an amendment thereto, by way of ryder;

In which I am instructed to desire the concurrence of the house of representatives;

And have adopted resolutions from the house, instructing our senators, and requesting our representatives in the congress of the United States to sustain the recommendations of the president of the United States, in relation to the public lands, and for other purposes;

And have concurred in the resolution of the house, instructing the clerk of the house of representatives, to inform the Governor that the two houses had, by a joint vote, on the 10th inst., elected the hon. Joseph W. Chalmers, senator in congress, to fill the unexpired term, caused by the resignation of the hon. R. J. Walker, and the hon. H. S. Foote, for the term of six years, from and after the 4th day of March, 1847.

The senate have given leave to the introduction of bills of the following titles, viz:

A bill, to be entitled,

An act to authorize the transcribing into suitable books, the records of Smith county;

A bill, to be entitled,

An act for the relief of David McCabb, of Claiborne county;

A bill, to be entitled,

An act to amend an act entitled an act to reorganize the judicial districts of the state of Mississippi, approved February 3, 1844.

A bill, to be entitled,

An act to amend an act entitled an act for the preservation and protection of the rights of married women, approved February 15, 1839.

They have passed bills of the following titles:

A bill, to be entitled,

An act to incorporate the town of Benton, in the county of Yazoo;

A bill, to be entitled,

An act to amend an act entitled an act to amend the several acts of limitation, approved 24 Feb., 1844;

A bill, to be entitled,

An act to regulate the practice of circuit courts in criminal cases, with an amendment by way of rider;

A bill, to be entitled,

An act to provide for the appointment of commissioners in the several states of the United States, to take acknowledgements of deeds for lands in this state, and other instruments of writing under seal;

A bill, to be entitled,

An act for the relief of John H. Rollins;

A bill, to be entitled,

An act to incorporate Yazoo lodge, No. 42;

In which I am instructed to desire the concurrence of the house of representatives.

The president of the senate has signed acts of the following titles:

An act to legalize the special term of the circuit court of the county of Madison; ordered for the first Monday of February, 1846;

An act to incorporate the Hercules hook and ladder company, of Columbus, Mississippi;

An act to reduce the price of public printing;

Which are presented to the speaker of the house for his signature;

And have adopted a resolution, inserting an amendment in the constitution of this State;

In which they desire the concurrence of the house.

The president has also signed;

An act concerning the estate of William B. Smith, deceased, of Warren county.

On motion of Mr. Simral,

The house adjourned.

SATURDAY, JANUARY 17, 1846.

The house met pursuant to adjournment;

And its deliberations were opened with prayer by the Rev. L. J. Halsey, of the city of Jackson,

On motion of Mr. Connell,

The call of the counties was dispensed with.

Mr. Moore presented the petition of Adelia V. Elkin, administratrix, &c.;

Which was referred to a select committee of three, consisting of Messrs. Moore, Dilworth of Tishemingo, and Hughes.

Mr. Cannon presented the petition of David Mikell praying the passage of a law to manumit Andrews, a man of color;

Which was referred to the judiciary committee.

Mr. Leonard presented the petition of sundry citizens of Hancock county;

Which was refered to a select committee of three consisting of Messrs. Leonard, McCaughan, and Randall.

Mr. McNabb presented the claim of S. Steen;

Which was referred to the committee on claims.

Mr. Green, of Hinds, presented the petition of Wm. Morris;

Which was referred to a select committee of three, consisting of Messrs. Green, of Hinds, Greaves and Pope.

Mr. Spann presented the claim of M. J. Nicholson;

Which was referred to the committee on claims.

Mr. Alcorn presented the petition of John R. Sanford, praying for the passage of a law for his relief;

Which was referred to a select committee of three, consisting of Messrs. Alcorn, Chewning and Smith, of Washington.

Mr. Greaves presented the claim of Daniel Thomas, sheriff of Hinds county;

Which was referred to the committee on claims.

Mr. McCaughan presented the claim of T. A. Hester, sheriff of Harrison county;

Which was referred to the same committee.

Mr. McDonald presented the claim of Joshua Terrell;

Which was similarly referred.

Mr. Fontaine presented the petition of Edmond McGehee;

Which was referred to the committee on claims.

He also presented the claim of W. S. Dogan;

Which was referred to the same committee.

Mr. Totten, from the judiciary committee, to whom was referred a resolution of the house, instructing the committee to enquire into the expediency of passing a law making sheriffs receipts evidence absolute of the payment of any execution placed in his hands for collection, without reference to the kind of funds for which said receipt was executed, and that the securities be liable on motion to the plaintiff in the execution for the amount specified in his receipt, reported that it is inexpedient to engraft the principles of said resolution into the laws of the state, and ask to be discharged from its further consideration ;

Which was received and agreed to.

Mr. Totten, from the same committee, to whom was referred a resolution of the house, instructing the committee to enquire into the expediency of providing by law a remedy against the frequency of continuances in criminal cases and to insure the more speedy administration of justice to evil doers, reported that it is inexpedient to change the present law on that subject, and ask to be discharged from its further consideration;

Which was received and agreed to.

Mr. Totten, from the same committee, to whom was referred the petition of Arthur S. Denton of Lafayette county, reported that the matter of said petition relates to the finances of the state, and that the committee of ways and means has the subject, to which said petition relates, under consideration, and recommend that the petition be referred to the committee of ways and means;

Which was received and agreed to.

Mr. Totten, from the same committee, to whom was referred a resolutiom of the house, instructing said committee to enquire into the expediency of providing by law for a change in the mode of advertising and selling runaway slaves in six months, and instead thereof, to convey them to the penitentiary at Jackson, disposed of as convicts, kept for the space of two years before sale unless sooner reclaimed by the owner, reported that it is inexpedient to make such change in the existing laws, and ask to be discharged from its further consideration;

Which was received and agreed to.

Mr. Wade from the committee on ways and means to whom

was referred the bill entitled an act to amend the revenue laws of this state, reported the same back to the house with amendments;

Which was received and agreed to.

Mr. McCaughan from the select committee to whom was referred the petition of sundry citizens of Harrison county asking the legislature to memorialize congress on the subject of making appropriations to build light-houses, establish a mail route &c., reported a preamble and resolutions asking congress to erect light-houses establish a mail rout on the coast of Mississippi, &c.;

Which were read the first time and the report received.

Mr. Cannon, by leave, introduced a bill to be entitled an act to run the line between the counties of Chickasaw and Oktibbeha and for other purposes;

Which was read the first time.

On motion of Mr. Cannon,

The rule was suspended, the bill read the second and third time forthwith, and passed with its title as stated.

Mr. Cannon, by leave, introduced a bill to be entitled an act to declare Line Creek a navigable stream, and for other purposes;

Which was read the first time.

Mr. Moore offered a resolution.

The Speaker decided the resolution out of order, on the ground that bills had the preference.

Mr. Moore appealed from the decision of the Chair.

The question was taken on the appeal and the Chair sustained.

Mr. Bynum, by leave, introduced a bill to be entitled an act better to provide for assessing and collecting taxes in certain counties therein named, and for other purposes;

Which was read the first time.

Mr. McAfee, by leave, introduced a bill to be entitled an act to define the powers of the county police of Covington county in relation to the three per cent. fund;

Which was read the first time.

Mr. McCaughan, by leave, introduced a bill to be entitled an act for the relief of George Holley of Harrison county;

Which was read the first time.

On his motion,

The rule was suspended and the bill read the second time.

He also moved for a further suspension;

Which was lost.

Mr. Pendleton, by leave, introduced a bill to be entitled an act to repeal an act entitled an act to exempt from sale under execution certain property therein named, approved Jan. 22d., 1841;

Which was read the first time.

Mr. Emanuel offered bills of the following titles:

A Bill to be entitled an Act to incorporate the Phœnix Engine company No. 1, of Vicksburg;

A Bill to be entitled an Act to incorporate the Fulton Engine company No. 3, at Vicksburg;

Which was read the first time.

Mr. Holleman, by leave, introduced a bill to be entitled an act to organize the county of Perry;

Which was read the first time.

The rule was suspended and the bill read the second time.

Mr. Moody offered the following amendment:

Amend by adding the county of Clarke;

Which was adopted.

The rule was further suspended, the bill read the third time and passed as amended.

Mr. Moore gave notice that on some future day he would introduce a bill to be entitled an act to change the mode of appointing and prescribing the duties of clerks to the two houses of the legislature.

Mr. Smyth of Winston, gave notice that on some future day he would ask leave to introduce a bill to be entitled an act to amend an act regulating the mode of obtaining license to sell vinous and spirituous liquors and for other purposes approved Feb. 22d., 1842.

On motion of Mr. Holleman,

Resolved, that the judiciary committee be instructed to inquire into the expediency of making it the duty of the returning officer of each county in the state immediately ensuing each general election to qualify each and every officer that may have been elected at said general election, and that said committee report by bill or otherwise.

On motion of Mr. Bailey,

Resolved, That the judiciary committee be instructed to enquire into the expediency of so altering the law now in force as to enable the defendant in criminal cases to take the depositions of non-resi-

dent witnesses to be had on trial, and report by bill or otherwise.

On motion of Mr. Rogers,

Resolved, That his excellency, the governor of Mississippi, be requested to lay before the house a statement of the amount of money now in the United States treasury belonging to the State of Mississippi, as her distributive share of the nett proceeds of the sales of the public land, according to the second section of the law of Congress passed September 4th, 1841.

Mr. Beaty offered the following resolution:

Resolved, That the committee on the judiciary be instructed to enquire into the expediency of so amending the constitution as to hold our elections only one day, and to abolish the office of county treasurer;

Which was lost.

Mr. Pendleton offered the following tesolution:

Resolved, That the committee on ways and means be, and they are hereby instructed to inquire what, if any, reduction can be expediently made in the existing rates of taxation in personal and real property, and report by bill or otherwise.

On motion of Mr. Emanuel,

The resolution was laid on the table.

The following message was received from the senate, by Mr. Wilcox, their secretary:

Mr. Speaker—The senate have given leave to the introduction of bills of the following titles:

A bill to be entitled,

An act to establish an inferior court of chancery for the southern district of Mississippi;

A bill, to be entitled,

An act to settle the construction of the 9th section of an act entitled an act to define the duties of the auditor of public accounts, and to fix his salary, approved March 2d, 1833;

And have passed a bill of the following title:

A bill, to be entitled,

An act to authorize Peter B. Starke to erect a toll bridge across the Noxubee river, at the point at which the road known as the Robison road, crosses the same, and for other purposes;

In which I am instructed to desire the concurrence of the house of representatives.

The president of the senate has signed,

An act, originating in the house, concerning the estate of W. B. Smith, dec'd, late of Warren county.

On motion of Mr. Metcalf,

Resolved, That the committee on education be instructed to inquire into the expediency of creating common schools in each township in this state, to be supported, if by no other source, by a resort to taxation for that especial purpose.

The auditor's report was taken up.

On motion of Mr. Smiley,

The reading was dispensed with, and the two hundred copies ordered to be printed, and is as follows:

AUDITOR'S OFFICE.

JACKSON, January 12th, 1846.

HON. JAMES WHITFIELD,

Speaker of the House of Representatives:

SIR: In compliance with the requirements of the law, I herewith present to the honorable body, over which you preside, a report of the fiscal concerns of the state from the first day of January 1844, to the 31st day of Dec. 1845, both days inclusive; embracing a period of two years.

The assessments on real and personal estate for the year 1843, were		$328,456,69½
Of this assessment there have been collected and paid into the treasury	$237,616,38½	
And in the year 1845,	2,224,38	
There were, also, allowed tax collectors for claims against the state	83,631,39½	—323,472,16
Balance of the taxes of 1843 not yet collected,		4,984,53½
The assessments on real and personal estate for 1844 were		421,610,37½
Of this assessment there have been paid into the Treasury,	$341,343,85½	
and there have been allowed tax collectors for claims against the state,	71,698,17½	—413,042,03
Balance not yet settled with the Treasury,		8,568,34½

I will, however, remark, that I am advised that a portion of the

above balances has been collected, but it is still in the hands of the District Attorney who collected it.

The receipts into the Treasury from *all sources*, during the year 1844, exclusive of five millions of bonds executed to the Mississippi Union Bank, were $347,906 62½

This amount was received from the following sources viz:

From state tax 1843,	$237,610,38½	
" " " 1842,	9,568 09	
" " " 1841,	935 66½	
" " " 1839,	5,441 31	
" " " 1844,	730 53	
" redemption of lands,	8,261 20	
" retailing licences,	4,178 50	
" pedlars licences,	1,283 94	
" billiard table licences,	780 00	
" brokers licences,	500 00	
" literary fund,	96 26	
" executive contingent fund,	81 76	
" commissions for assessing, (erroneous issue by my predecessor,) returned,	100 00	
" sale of free negro,	250 26	
" sinking fund,	22,711 62	
" seminary fund,	23,992 60	
" repairing fund,	47 15	
" escheated estates,	425 78	—$ 347,906,62½

The amount received into the Treasury from all sources during the year 1845, was . . . . . $ 426,035 80¾

This amount was received from the following sources, viz:

From the state tax of 1844,	$340,613 32½	
" " " 1843,	2,224 38	
" redemption of lands,	8,325 05	
" retailing licences,	5,771 03	
" pedlars licences,	2,008 86	
" billiard table licences,	1,160 00	
" brokers licences,	500 00	
" escheated estates,	1,160 92	
" literary fund,	71 62½	
" repairing fund,	345 75	
" seminary fund,	3,712 92	
" sinking fund,	58,646 68½	
" town lots	1,480 11	—$ 426,035,80¾

The amount of allowances made to tax collectors in settlement, in 1844, and which are equivalent to receipts, because they dis-

charge the liabilities of the state, the same as though their amount were paid at the Treasury, was, as before stated, $83,631,39¼

and were on the following accounts, viz:

On account of commissions for collecting,	$7,310 38	
" " of com. for assessing,	1,807 03	
" " advertising tax sales,	2,296 19	
" " executing deeds to the state,	990 00	
" " tax on state's lands,	6,112 72½	
" " judiciary department,	21,622 76	
" " insolvencies and erroneous assessments,	41,626 10¼	
" " elections,	360 00	
" " revolutionary soldiers,	100 00	
" " Natchez Orphan Asylum,	486 86	
" " classifying lands,	276 00	
" " Legislative department,	178 00	
" " escheated estates,	1 00	
" " Appropriations,	464 35	$83,631 39¼

The allowances without warrant made tax collector's, on account of claims against the state, in 1845, amounted to $71,698,17½

They were on the following accounts, viz:

On accounts of commissions for collecting,	$12,363,42½	
" " " commissions for assessing,	707 27½	
" " " advertising tax sales,	22 50	
" " " executing deeds to the state,	20 00	
" " " taxes on the state's lands,	6,189 52½	
" " " taxes overpaid previously,	187 10	
" " " Judiciary department,	578 94	
" " " Insolvencies & erroneous assessments	51,679 41	$71,698 17½

The amount received into the Treasury from all sources in 1844, as before stated, amounted to the sum of $347,906,62½

The expenditures by warrant during the same period, were 267,636,10¾

Excess of receipts over expenditures, $80,270,51¾

If from the above excess, we take the amount received on account of the Seminary and Sinking Funds ($46,704,22) which constitute

a debt against the state, the excess of receipts, over the expenditures will be found to be only - - $43,566,28¾.

The expenditures by warrant during 1844, were on the following accounts, viz:

On account of Legislative Department, -	$41,782 81	
" " " Judiciary department, -	104,046 94	
" " " Executive department, -	11,308 98½	
" " " Executive contingent fund, -	4,513 57	
" " " Appropriations,	37,146 50½	
" " " Expenses of penitentiary, -	6,137 36	
" " " State library & keeping capitol, -	1,692 81	
" " " Militia, -	1,065 78	
" " " Revolutionary soldiers, -	3,262 00	
" " " Commissioners for assessing,	10,051 29	
" " " Interest on funded debt, -	5,411,62 00	
" " " Public printing,	9,883 60	
" " " Locating state lands,	7,838 00	
" " " Locating Chickasaw lands, - -	2,911 66	
" " " Classifying lands,	1,551 00	
" " " Topographical Engineer, - -	1,490 65	
" " " Distributing laws, journals & S. papers,	1,080 00	
" " " Advertising tax sales,	7,746 56	
" " " Elections, -	2,183 80	
" " " Board of health,	25 00	
" " " Town lots, -	1,860 08	
" " " Repairing public buildings, - -	1,282 38	
" " " Acknowledgement of state deeds, -	494 00	
" " " Seminary fund, -	750 00	
" " " Commissions on tax sales, - -	137 87	
" " " Executing deeds to the state, -	555 00	
" " " Auditor's contingent fund, -	1,426 84	$267,636 10¾

The receipts into the Treasury from all sources during 1845, as before stated, amounts to the sum of . . . $426,035 80⅝
The expenditures by warrant during the same period were 168,882 60½

Excess of receipts over expenditures during 1845, 257,153 50
But if from this we take the sum of the Seminary and Sinking funds, viz: . . . (62,359 60½)

Collected in 1845, the excess of receipts will be only 194,793 90½

The expenditures by warrant during 1845 were on the following accounts, viz:

On account of Legislative department,	$ 8 00		
" " " Judiciary department,	99,596 37½		
" " " Executive department,	10,599 92½		
" " " Executive contingent fund, . .	4,226 52		
" " " Appropriations, .	3,684 52		
" " " Expenses of the penitentiary, .	5,031 83		
" " " State library & keeper of capitol, .	1,411 78		
" " " Militia, .	1,674 87⅞		
" " " Revolutionary soldiers,	3,698 26		
" " " Commissions for assessing, .	12,176 17		
" " " Interest on funded debt,	3,060 40⅝		
" " " Public printing, .	2,082 19		
" " " Repairing fund, .	882 02		
" " " Lightening rods, .	87 21		
" " " Classifying lands, .	630 00		
" " " Locating Chickasaw school lands, .	1,483 00		
" " " Seminary laws,	1,500 00		
" " " Locating state lands,	3,988 00		
" " " Elections, .	4,556 40		
" " " Auditor's contingent fund,	1,354 43		
" " " Escheated estates,	261 76		
" " " Census, .	4,468 88		
" " " Distribution of laws, journals & S. papers,	648 00		
" " " Recording state's deeds,	1,530 43		
" " " Town lots, .	51 00		
" " " Acknowledgement of state's deeds, .	177 00		
" " " Costs of advertising tax sales, . .	11 25	—$168,882 30⅝	

The total amount received into the Treasury during the two years ending 31st of December 1845, was	$773,942 [illegible]
The total amount expended by warrant during the same period, was	436,518 40½
Excess of receipts over expenditures for said two years	337,424 03

The amount of outstanding Auditor's warrants, including funded and unfunded, on the first day of January 1844, as shown by my report to the last Legislature, was - - $614,743 83½

If, from said amount, we subtract the above excess of receipts over the expenditures for the last two years,	$337,424 03	
together with amount of warrants redeemed by gold received from Mrs. Graves, wife of the late Treasurer,	2,747 68	
and amount redeemed with Mississippi Union Bank paper,	1,771 76	
and amount redeemed by Treasurer's draft on the two per cent fund,	1,050 65	—$342,994 12
We have the amount of outstanding Auditor's warrants at 1st of January 1846,		$271,749 71

This estimate is founded on the assumption that all the warrants received into the Treasury, were genuine, but $7000 of these are known to be forgeries, consequently, the amount of warrants really outstanding, is about $278,749 11.

It is made my duty to present the Legislature with an estimate of the probable expenses of the state government, and also of the receipts into the Treasury until the next regular session of the Legislature, Such estimates, being to a considerable extent conjectural, may vary considerably from the truth, as contingencies which it is impossible to anticipate, may increase or decrease, both receipts and expenditures, so as to make them disagree with the estimates.

Judging from the past ordinary expenses of the state, I present the following estimate, 1st, for 1846, viz:

Expenses on account of the Legislature,	$42,000 00
" " Judiciary Departm't,	60,000 00
" " Commissions for assessing, about	20,000 00
" " Executive Departm't,	8,500 00

Expense on acc't Appropriations, (uncertain)	30,000 00	
" of the Penitentiary, about	5,500 00	
" State Library and Keeper of Capitol,	1,200 00	
" Militia, (uncertain)	1,500 00	
" Revolutionary Soldiers, (uncertain)	3,500 00	
" Public Printing, (uncertain)	10,000 00	
" Seminary Lands, (salary of Commissioner of,)	1,500 00	
" Auditor's contingent fund,	1,500 00	
" Executive contingent fund,	4,000 00	
" Interest on funded Warrants, (uncertain)	2,000 00	
" Distribution of Laws and Journals, (uncertain)	500 00	
" Miscellaneous and contingent, (uncertain)	2,000 00	$193,700 00
The assessments for 1845, are about	$415,000 00	
From which we may deduct for insolvencies, commissions for collecting and defalcations,	50,000 00	
Amount estimated to be received for taxes of 1845,	$365,000 00	
To which we may add, receipts from retailing pedlars, billiard and broker's licenses,	10,000 00	$375,000 00
Supposed estimate of receipts over expenditures for 1846,	$182,300 00	

Should there be no called or adjourned session of the Legislature in 1847, I estimate the expenditures for said year as follows, to-wit:

On account of the Judiciary departmt,	$60,000 00
" Executive department,	8,300 00
" Commissions for assessing, about	20,000 00
" Expenses of Penitentiary,	5,500 00
" State Library and Keeper of Capitol,	1,200 00
" Militia,	1,500 00
" Revolutionary Soldiers	3,500 00
" Public Printing,	2,500 00
" Salary of Commissioner of seminary fund, or lands,	1,500 00

" Auditor's contingent fund,	[illegible]
" Executive contingent fund,	4,000 00
" Interest on funded debt, & warrants,	15,000 00
" Miscellaneous & contingent,	2,000 00
Supposed expenditures for the year 1847,	$112,500 00
On the supposition that there should be no reduction of the present rate of taxation, we may estimate the receipts from taxes and licenses for 1847, at about	$380,000 00
Supposed excess of receipts over expenditures for 1847, $267,500 00	

It is presumed, however, that an appropriation will be made by the present Legislature, for the purpose of erecting the University buildings: should this be done, the expenditures will be increased, over the above estimates, to the amount of such appropriation.

I most respectfully suggest to the Legislature, the propriety of changing the time at which the tax collectors may commence collecting the taxes, from the first day of September, to the 8th or 15th day of November, in each year. Under the present system, the collectors in office are authorized to collect from and after the first of September. At each general election, their term of office expires, and frequently new collectors are elected. In the meantime, the old or former collectors proceed to collect up to the date of the election, and disputes arise between them and the new collectors as to the amount collected by them, and the Auditor not only has to settle with two collectors in each of such cases, but is often at a loss to know the amount with which to charge each. Defalcations are frequently the result, and the Auditor knows not which collector to hold responsible. If he sue one, he may prove that he has not collected the amount with which he stands charged, and throw the State in the costs. In the meantime, while the suit is pending, the other collector and his sureties may die, remove, or become insolvent, and the amount due may be lost.

Should it be thought that the time from November to March, is too short to collect the taxes, the end of the fiscal year could be changed from the first of March to the first of June. Such a change would not only give the same time for collections now given, but

would be much more [illegible] to the people of the Northern counties, who do not [illegible] as citizens who live [illegible] part of the State.

Since the repeal of the law authorising the purchase of lands by the State for taxes, a large portion of the revenue arising from lands, is lost to the State, as the collectors have been unable to obtain bidders for the land. A large portion of the insolvent list of the two past years, was on account of lands which could not be sold, for the want of bidders. I think it worthy of the serious consideration of the Legislature, whether it would not be proper to revive the law authorising the collectors to bid in and deed such lands to the State, avoiding the very objectionable features of the old law, and which, doubtless, led to its repeal.

I beg leave, also, to suggest to the Legislature the propriety of reviving the redemption law, for lands purchased by the State for taxes, as I am advised that many persons whose lands were sold, were unapprised of the facts, until after the time for redemption had expired. About two-thirds of the lands heretofore bid in for the State, remain unredeemed, and in many cases the lands belonged to widows and orphans.

In many instances, the probate clerks fail to report, and the county treasurers to pay over the monies received for licenses. To remedy this evil, I respectfully suggest the passage of a law inflicting suitable penalties for such neglect, and giving the Auditor power to collect such defalcations, as promptly as he can from defaulting tax collectors.

I have the honor to be most respectfully,

Your obedient servant,

JAMES E. MATTHEWS,

Auditor of Public Accounts.

On motion of Mr. Wade,

The treasurer's report was taken up.

On motion of Mr. Smiley,

The reading was dispensed with, and two hundred copies ordered to be printed, and is as follows:

[illegible]

[illegible]

To the Senate and House of Representatives of the State of Mississippi:

GENTLEMEN:

As Treasurer of the State, I ask leave to present herewith a report of the fiscal operations of this department, from the first of January, 1844, to the thirty-first day of December, 1845, (both days included) as required of me by law.

Accompanying this report, are three documents, marked A, B, and C. The first, marked A, exhibits the receipts and disbursements of this department, from the thirty-first day of March, 1843, the day on which I entered upon the discharge of the duties of Treasurer, to the twenty-ninth day of February, 1844, (both days inclusive) the close of that fiscal year. The second, marked B, presents the receipts and disbursements at this office, from the first of March, 1844, to the twenty-eighth of February, 1845, (both days inclusive) the termination of that fiscal year.

These documents show the sources from which revenue was derived, and the departments, on account of which disbursements have been made.

The third document, marked C, presents the monthly receipts and disbursements from the first of January, 1844, to the thirty-first of December, 1845, (both days inclusive.) The legislature, at its January session in 1844, by their committee, examined my books and vouchers to the thirty-first of December, 1843, and made a report upon them. The exhibit marked C, therefore, commences where the committee ended, and terminates the thirty-first day of December last.

I have excluded from this account, every thing not embraced in the current transactions of the Treasury.

The Governor obtained from the Auditor a receipt warrant, and paid into this office, five millions of bonds, executed by an individual member of this State, to the Mississippi Union Bank, [illegible] the State credit for the receipts warrant, and charged the State with the amount of the bonds cancelled, in the presence of the Governor. They are now in the office, and subject to your examination.

It will be perceived that I have charged myself for about the gold and silver which have been received from Mr. Graves, my late predecessor, which have, under an act of the Legislature, been

applied to the payment of warrants drawn in favor of the Topographical Engineer, which passed to my credit.

His Excellency A. G. Brown, presented me with an Auditor's warrant for seventeen hundred and seventy-one dollars and seventy-six cents, to be paid in the notes of the Mississippi Union Bank. I paid the warrant out of that description of money found in the Treasury, and reported to the Legislature January, 1844. I have charged the State with the warrant paid, and given it credit for the notes thus used.

The Governor required me to make two drafts upon the two per cent fund, in the Treasury of the United States, for the purpose of paying the ballance due upon warrants drawn in favor of the Topographical Engineer. I drew for $110 65, for which sum I gave the State credit, and charged it with the warrants paid.

The gold and silver here alluded to, and the Union money, are all that I have used, of the different sums reported to be on hand the 1st January, 1844. The balance of the bills receivable, still remain in the Treasury, hopelessly unavailable, either at present or in future. The United States Treasury notes are of course excepted.

The United States Treasury notes, amounting to ninety-two thousand six hundred dollars, heretofore reported to the Legislature, as being received from Mrs. Graves, the wife of the late Treasurer, is now in the safe, and subject to the count and disposition of the Legislature.

The appropriations made by the last Legislature, for the repairs of the State Capitol, Executive mansion, and lightning rods, have been applied as contemplated, and the vouchers are on file in this office.

The receipts and expenditures on account of the repairing funds, are also on file.

I take much pleasure in announcing to you, that I am cashing all warrants presented at this office, and it is believed that there will remain in the Treasury by the first day of March, between one and two hundred thousand dollars in specie, if the sheriffs should meet my expections; I therefore, ask the Legislature to provide for me, at an early period, a fire-proof vault for its safe keeping.

I have the honor to be, very respectfully, your ob't. serv't.,

W. CLARK, *State Treasurer.*

[EXHIBIT A.]

RECAPITULATION of Receipts and Disbursements from the 31st March, 1843, to the 29th day of February, 1844, inclusive.

		Dr.
1843. March 31.	To Amount remaining in the treasury on 31st March, 1844,	95,354 18
" "	" Town lots,	7,074 44
" "	" Hawkers and Pedlars,	1,342 11
" "	" Tavern Licenses,	4,[illegible] 11
" "	" The State Tax,	136,8[illegible] 92
" "	" Bills Receivable,	302,947 00
" "	" Bank Stock of the Natchez Rail Road Bank,	2,000,000 00
" "	" Redemption of Land,	495 87
" "	" Attorneys Tax fee,	10 00
" "	" County Tax of Washington county,	17 48
" "	" Tchula Navigation Co.,	4,000 00
" "	" Brokers Licenses.	1,000 00
" "	" Escheats,	266 38
" "	" Contingent Fund,	81 78
" "		$2,553,93[illegible] 92
	To a Balance,	34[illegible] 92
		$2,554,284 14

		Cr.
1843. March 31.	By Judiciary Department,	59,709 26
" "	" Executive Department,	6,991 85
" "	" Commissioners for assisting,	6,292 52
" "	" Public Printing,	4,272 00
" "	" State Library Department,	669 00
" "	" Expenditures of the Penitentiary,	13,258 94
" "	" Revolutionary Soldiers,	3,206 00
" "	" State Capitol,	555 00
" "	" Appropriation Department,	17,28[illegible] 09
" "	" Locating State Lands,	1,810 00
" "	" Classifying Lands,	6,411 69
" "	" Contingent Fund,	3,603 89
" "	" Interest on funded debt,	199 12
" "	" Officers of Bublic Buildings,	536 14
" "	" Militia Department,	586 68
" "	" Penitentiary Department,	332 90
" "	" Governor's House,	662 99

[EXHIBIT A. *Continued.*]

			Cr.	
1843.				
March 31.	"	Election Department,	810	00
" "	"	Board of Health,	1,381	79
" "	"	Legislative Department	16,845	30
" "	"	Miscellaneous Department,	239	00
" "	"	Town Lot Department,	174	00
" "	"	Census Department,	776	34
" "	"	Funded Debt Department,	7,848	40
" "	"	Bank Com's. Department,	525	20
" "	"	Repairs of Public Buildings,	43	00
" "	"	Locating Chickasaw Lands,	660	00
" "	"	Escheats,	18	00
" "	"	Topographical Engineer,	2,464	93
" "	"	Amount of expenses to the 29th February, 1844,	158,216	39
" "	"	Mississippi and Natchez Rail Road Bank Stock,	2,000,000	00
" "	"	Bills receivable	302,947	00
" "	"	Cash from Escheats and Literary Fund on hand,	248	00
" "	"	U. States Treasury Notes on hand,	92,600	00
" "	"	Gold and Silver of the 2 and 3 per cent Fund on hand,	272	75
" "			$2,554,284	14
" "		By amount of receipts in to the Treasury same time,	2,553,939	32
" "	"	A balance due the Tresury on the 29th February, 1844,	344	82

[EXHIBIT B]

RECEIPTS and DISBURSEMENTS of the TREASURER, from the 1st day of March, 1844, to the 28th day of February, 1845, both days inclusive.

		Dr.
To Hawkers and Pedlars,	64	1,270 60
" Redemption of lands,	67	8,261 20
" Brokers' licenses,	92	800 00
" Escheats,	95	159 58
" Seminary lands,	99	23,992 00
" Literary Department,	101	[illegible]
" Sales free negroes,	103	250 26
" Sinking Fund,	131	22,711 62
" Two and Three per cent Funds,	134	1,050 05
" Billiard Tables,	148	1,660 00
" State Tax,	153	331,678 82½
" Licenses to retail liquors,	240	4,318 71
" Repairing Fund,	209	159 00
" Town Lots,	210	30,905 55
" Commissions for Assessing,	227	100 00
" Am't of receipts into the Treasury,		$427,409 65½
This sum used of the Union money which was in the Treasury at the time I came into office, and is embraced in the account of bills receivable, reported in my account, 29th February, 1844, and entered in my journal, page 240,		1,771 76
Balance of gold and silver of the two and three per cent fund,		272 75
		429,454 16½
To a balance,		907 [illegible]½

		Cr.
State Capital Department,	38	3,665 59
Officers of Public Buildings,	50	606 83½
Militia Department,	51	1,623 33½
Penitentiary Department,	52	258 85
Governor's House,	53	1,960 00
Election Department;	54	2,072 00
Board of Health,	55	258 50
Miscellaneous Department,	56	120 00
Census Department,	58	220 66
Judiciary Department,	77	138,711 57½

[EXHIBIT B, *Continued.*]

		Cr.	
Tchula Navigation Company,	90	500	00
Repairs of Public Buildings,	93	55	75
Escheats,	95	3	00
Topographical Engineer,	98	1,348	51
Seminary Lands,	99	1,000	00
Printers fees,	102	5,275	16
Legislative Committee,	121	70	
Distributing American State Papers,	123	534	
Distributing the Laws and Journals,	125	605	
State Librarian,	126	110	75
Contingent Fund of the State Library,	127	60	85
Contingent Fund of the Executive,	128	21	75
Conservator of Town Lots,	130	50	00
Commissions on sales of State Tax,	133	8	51
Appropriating Department,	136	42,095	37¾
Contingent Fund of the Auditor,	141	418	33
Legislative Department,	145	49,413	91
Public Printing,	156	11,819	92
Expenditures of the Penitentiary,	163	14,857	50½
Classifying Lands,	169	4,872	44
Acknowledgment of State Deeds,	201	202	50
State Library Department,	205	3,098	79
Locating State Lands,	207	4,398	80
Repairing Fund,	209	17	50
Town Lots,	210	1,871	76
Expenses of Public Buildings,	213	153	00
Funded Debt Department,	214	76,898	46
Interest on Funded Debt,	217	5,396	74½
Public Buildings,	219	104	83
Contingent Fund,	222	8,677	32
Appropriation to Executive Mansion,	225	96	85
Commissions for Assessing,	227	12,641	48½
Locating Chickasaw Lands,	230	4,397	64
State Library and Officers of Public Buildings,	232	226	00
Executive Department,	233	22,388	93½
Revolutionary Soldiers,	237	4,838	00
This amount of disbursements,		428,202	12¼
Balance due the Treasurer on 20th Feb. 1844,		344	82
		428,546	94¼
Balance due at this to receipts into the Treasury,		907	22¼
		$429,454	16½

[EXHIBIT C.]

AN ACCOUNT showing the Receipts and Disbursements into Treasury, from the 1st January, 1844, to 31st December, 1845.

						Dr.	
1844.				1844.			
Jan.	By Am't Rec'd in month of Jan.			"	152	9,137	08
Feb.	"	"	"	Feb. "	168	18,468	82
Mar.	"	"	"	Mar. "	204	65,468	78
April	"	"	"	April "	275	73,680	45
May	"	"	"	May "	341	67,694	60 1-2
June	"	"	"	June "	349	10,153	12
July	"	"	"	July "	379	53,968	86
Aug.	"	"	"	Aug. "	389	22,855	49
Sept.	"	"	"	Sept. "	393	3,532	56
Oct.	"	"	"	Oct. "	397	1,512	65
Nov.	"	"	"	Nov. "	399	16,073	88
Dec.	"	"	"	Dec. "	401	1,190	40
1845.				1845.			
Jan.	"	"	"	Jan. "	425	31,361	97
Feb.	"	"	"	Feb. "	467	76,916	89
Mar.	"	"	"	Mar. "	601	191,203	35 1-2
April	"	"	"	April "	12	11,362	80
May	"	"	"	May "	30	20,999	80 2-3
June	"	"	"	June "	34	3,610	12 1-2
July	"	"	"	July "	40	12,480	67 1-2
Aug.	"	"	"	Aug. "	44	5,162	01
Sept.	"	"	"	Sept. "	53	59,987	58 1-3
Oct.	"	"	"	Oct. "	56	1,612	56
Nov.	"	"	"	Nov. "	56	1,120	15
Dec.	"	"	"	Dec. "	57	6,471	12
						$775,025	74 1-6
	To this amount of foreign gold received from Mrs. Graves by Gov. Tucker, as per my report to the Legislature, at its January session, 1844, since disbursed by me in the payment of warrants to the Topographical Engineer,					2,747	68
	For this amount of Union money paid Gov. Brown, upon the pay warrants of the Auditor of Public Accounts, which was received from Mrs. Graves, as per my report to the Legislature at the January session, 1844,					1,771	76

[EXHIBIT C. *Continued.*] *Dr.*

	To this amount a balance due the Treasurer, - -		166	40
			$779,711	58
	Of the amount of receipts, there were received from the Treasury of the United States on two requisitions by the Governor, which was placed to the credit of the State, and the Auditor's warrants, redeemed with that money was charged to the State,		$1,050	65

Cr.

1844.				1844.				
Jan.	"	"	"	Jan.	"	153	11,554	01
Feb.	"	"	"	Feb.	"	169	18,341	94
Mar.	"	"	"	Mar.	"	205	65,269	67 2-3
April	"	"	"	April	"	274	73,869	24
May	"	"	"	May	"	340	66,789	88 2-3
June	"	"	"	June	"	348	12,099	88
July	"	"	"	July	"	378	54,303	51 2-3
Aug.	"	"	"	Aug.	"	388	22,853	36 1-2
Sept.	"	"	"	Sept.	"	392	3,518	14
Oct.	"	"	"	Oct.	"	396	4,522	23
Nov.	"	"	"	Nov.	"	398	16,442	09 1-2
Dec.	"	"	"	Dec.	"	400	1,190	65
1845.				1845.				
Jan.	"	"	"	Jan.	"	424	21,473	25 2-3
Feb.	"	"	"	Feb.	"	466	75,870	19 2-3
Mar.	"	"	"	Mar.	"	600	174,516	82 2-3
April	"	"	"	April	"	11	22,151	38 1-3
May	"	"	"	May	"	29	30,423	20
June	"	"	"	June	"	33	6,134	94 2-3
July	"	"	"	July	"	39	10,298	19
Aug.	"	"	"	Aug.	"	43	8,447	91 2-3
Sept.	"	"	"	Sept.	"	54	59,970	71 2-3
Oct.	"	"	"	Oct.	"	55	1,622	82 1-6
Nov.	"	"	"	Nov.	"	55	1,340	27 2-3
Dec.	"	"	"	Dec.	"	68	6,419	02
							$779,423	38 1-6
	By this amount due the treasurer on the first day of January, 1844, as per my report to the Legislature of that date, - - -						288	20
							$779,711	58 1-4
	By this am't to balance due the treasurer						166	40

Mr. Warren, by leave, introduced,

A bill, to be entitled,

An act concerning sheriffs receipts;

Which was read the first time.

Mr. Adams gave notice, that on some future day, he would ask leave to introduce bills of the following titles:

A bill to be entitled,

An act to change the practice of the circuit court of Yazoo county, in relation to juries;

A bill, to be entitled,

An act to authorize the probate court of Yazoo county, to direct a sale of compromise of claims due decedent's estates in certain cases;

A bill, to be entitled,

An act authorizing the corporation of Yazoo city to erect a jail, and fine and imprisonment for minor offences, and for other purposes.

Mr. Fontaine offered the following resolution:

Resolved, (the senate concurring,) That the joint select committtee to whom was referred that portion of the governor's message in relation to the apportionment of representatives to the respective counties of this state, be and are hereby instructed to report a bill apportioning such representation, and limiting the number of representatives to one from each county, who, when elected, shall have the right on all questions, when the yeas and nays are called, and in all elections by the legislature, to cast a vote for every blank number of white population contained in his county, not estimating fractions less than said number.

And be it further Resolved, That the said bill shall further provide for the election of 19 senators, to be equally apportioned among the counties of this state, who, when elected shall have the right to vote as aforesaid, one half the number of votes the representatives from the counties composing their respective districts may be entitled to cast under provisions of the first resolution.

On motion of Mr. Cypert,

Resolved, That the committee on the judiciary, be requested to inquire into the expediency of altering the present mode of selecting jurors for the circuit court, making it the duty of the board of

county police to make out a venire for each term of said court, and that they report by bill or otherwise.

The special message of the governor of the 16th January, 1846, was read;

On motion of Mr. Emanuel,

Referred to a select committee of five, consisting of Messrs. Emanuel, Spann, Singleton, Rossman and Leonard.

The special message of the governor, of the 15th January, 1846, relative to the Newton and Lauderdal rail road and turnpike company was read;

And on motion of Mr. Moody,

Referred to a select committee of six, consisting of Messrs. Moody, Loper, Sharkey, Lemley, Pettus and Metcalf.

The ryder made by the senate to a bill from the house, entitled, an act to establish the county scite of Washington county;

Was read the first time.

The senate bill, entitled,

An act to incorporate the town of Benton in the county of Yazoo;

Was read the first time.

The following message was received from the senate, by Mr. Wilcox, their secretary:

Mr. Speaker—The senate have passed bills of the following titles:

A bill, to be entitled,

An act to amend an act entitled an act to incorporate Chhquatontia turnpike company;

A bill, to be entitled,

An act declaring Lususcoona river a navigable stream, and for other purposes;

A bill, to be entitled,

An act to restore a board of trustees of the 16th section of township five, of range 3, east;

A bill, to be entitled,

An act for the relief of Henry Lee, a free man of color, of the county of Warren;

In which I am instructed to desire the concurrence of the house of representatives.

The senate bill, entitled,

An act to amend an act, entitled an act to amend the several acts of limitation, approved February 24th, 1844;

Which was read the first time.

The senate bill, entitled,

An act to regulate the practice of the circuit courts in criminal cases;

Was read the first time.

The senate bill, entitled,

An act to provide for the appointment of commissioners in the several states of the United States, to take acknowledgments of deeds for land in this state, and other instruments of writing under seal;

Was read the first time.

The senate bill, entitled,

An act to incorporate Yazoo lodge No. 42;

Was read the first time.

The senate bill, entitled,

An act for the relief of John H. Rollins;

Was read the first time.

The senate bill, entitled,

An act to amend an act, entitled, an act to incorporate the Chuquatonta turnpike company;

Was read the first time.

The senate resolution inserting an amendment in the constitution of the state;

Was read the first time.

The senate bill, entitled,

An act declaring Lususcoona river a navigable stream, and for other purposes;

Was read the first time.

The senate bill, entitled,

An act to restore a board of trustees of the 16th section of township 5, of range 3, east;

Was read the first time.

The senate bill, entitled,

An act for the relief of Henry Lee, a free man of color, of the county of Warren;

Was read the first time.

The senate bill, entitled,

An act to authorize Peter B. Sterke to erect a toll bridge across

the Noxubee river at the point at which the road, known as the Robinson road, crosses the same, and for other purposes;

Was read the first time.

On motion of Mr. Connell,

The rule was suspended, and the bill read the second time.

Mr. Cannon offered an amendment,

Before the question was taken on the amendment;

On motion of Mr. Connell,

The bill was referred to a select committee of three, consisting of Messrs. Cannon, Connell and Hughes.

On motion of Mr. Cannon,

The committee on said bill were permitted to sit during the session of the house.

The house bills of the following titles, viz:

A bill, to be entitled,

An act to incorporate the Pontotoc male academy;

A bill, to be entitled,

An act to legalize George W. Hicks;

A bill, to be entitled,

An act to repeal the second section of an act, entitled, an act to regulate the interest on the school funds, and for other purposes;

A bill, to be entitled,

An act in relation to the free negroes in the town of Grand Gulf;

Were each read the second time, and ordered to be engrossed for a third reading on Monday next.

The house bill, entitled,

An act for the relief of Paddy Brinson, a man of color;

Was read the second time, and ordered to be engrossed for a third reading on Tuesday next.

The bill, to be entitled,

An act to provide for the election of an additional number of justices of the peace and constables;

Was read the second time.

On motion of Mr. Green of Hinds,

The bill was referred to a select committee heretofore raised on that subject.

The bill, to be entitled,

An act to reduce the per diem pay of the members of county police, and clerk of probate, and judge of probate, in the county of Itawamba;

Was read the second time;

And on motion of Mr. McAffee,

Referred to the committee of the whole house, and made the order of the day for Monday next.

The bill, to be entitled,

An act to authorize W. N. Baird, guardian, to remove the personal property of his wards out of this state, and for other purposes;

Was read the second time; and,

On motion of Mr. Simrall,

Referred to the committee on the judiciary.

The bill, to be entitled,

An act to change the time of holding the probate court of the county of Lauderdale;

Was read the second time.

On motion of Mr. Totten,

The rule was suspended, the bill read the third time, and passed with its title as stated.

The bill, to be entitled,

An act for the relief of widows and orphan children, and for other purposes;

Was read the second time;

And on motion of Mr. Cushman,

Was referred to the committee on the judiciary.

The bill, to be entitled,

An act to incorporate the town of Gainesville, in the county of Hancock;

Was read the second time;

On motion of Mr. Cushman,

The rule was suspended, and the bill read the third time and passed with its title as stated.

On motion of Mr. Kennedy,

Resolved, That the secretary of state be required to furnish to this house the amount of lands which have been registered at the various land offices in this state, under the act of congress of the United States, donating 500,000 acres of land to the state for internal improvement; also the amount which has been reported and not registered.

On motion of Mr. Cushman,

The house adjourned.

MONDAY, JANUARY 19, 1846.

The house met pursuant to adjournment.

Mr. Moody presented sundry claims;

Which were referred to the committee on claims.

The following message was received from his excellency the governor, by Mr. Nicholson, his secretary:

To the House of Representatives:

In reply to a resolution of the house, adopted on the 17th inst., requesting a statement of the amount of money now in the treasury, belonging to the state of Mississippi, as her distributive share of the nett proceeds of the sales of public lands, according to the second section of a law of congress, passed September 4th, 1841, I have to say there is no money in the state treasury of this description. The state having decided not to accept her portion of the distribution fund, no part of it has been received into the treasury, and for the same reason no correspondence has been had in regard to it, I am therefore unable to say what amount is placed to the credit of this state, in the treasury of the United States.

A. G. BROWN.

EXECUTIVE CHAMBER,
January 19, 1846.

Mr. Hinds presented the petition of S. N. Alexander and Geo. Bownds;

Which was referred to the committee on the judiciary.

Mr. Pettus presented the claim of E. S. Gully;

Which was referred to the committee on claims.

Mr. Ewing presented the petition of John P. Smith;

Which was referred to the same committee.

Mr. Baily presented the petition of sundry citizens of Tallahatchie county;

Which was referred to a select committee of five, consisting of Messrs Baily, May, York, Alcorn and Buford.

Mr. Hughes presented the claim of John H. Buckner;

Which was referred to the committtee on claims.

Mr. Hughes presented the petition of Joseph Bell;

Which was referred to a select committee of three, consisting of Messrs. Hughes Connell and Maxcy.

Mr. Emanuel presented the claim of Cæsar Fraissee;

Which was referred to a select committee of three, consisting of Messrs. Emanuel, Sessions and North.

Mr. Foster presented the claims of Samuel H. Cochran and William H. White;

Which was referred to the committee on claims.

Mr. Abbott, from the select committee, to whom was referred the petitions of sundry citizens of township No. 17 of range 18 west, reported that it is inexpedient to grant the prayer of the petitioners, and ask to be discharged from its further considerations;

Which was received and agreed to.

Mr. McCaughan, from the select committee, to whom was referred the petitions of sundry citizens of Harrison county, praying the abolition of our security system, reported,

A bill to be entitled;

An act to abolish securities in this state, and for other purposes;

Which was read the first time.

Mr. Pendleton moved that 300 copies of said bill be printed;

Which was lost.

On motion of Mr. Pendleton,

150 copies were ordered to be printed.

Mr. Sessions, from the committee to whom was referred the petition of Elisha Fox, reported,

A bill, to be entitled,

An act for the relief of Elisha Fox;

Which was read the first time,

And the report received and agreed to.

Mr. Sessions moved that the rule be suspended to the end that the bill might be read the second time;

Which was lost.

Mr. Connell, from the select committee, to whom was referred,

A bill, to be entitled,

An act to authorize Peter B. Starke to erect a toll bridge across the Noxubee river, &c.,

Reported the same back to the house with sundry amendments;

Which was read the first time,

And the report received.

Mr. Moore offered the following amendment to the report, viz:

Be it further enacted, That nothing in this act shall be so con-

strued as to interfere with the legal claim or claims of any other person or persons in said turnpike road; which,

On motion of Mr. Harris,

Was rejected.

Mr. Harris offered the following amendment to the report:

Be it further enacted, That all acts and parts of acts conflicting with the provisions of this act, be and the same are hereby repealed;

Which was adopted.

Mr. Pettus moved to reconsider the vote on adopting that portion of the bill relative to the citizens of Oktibbeha county passing free;

Which was lost.

On motion of Mr. Connell,

The amendments were ordered to be engrossed.

On motion of Mr. Totten,

The rule was suspended,

And the bill read the third time.

Mr. Pettus offered the followiag amendment to the title, viz:

Amend by striking out all after the words "a bill," and insert the following, to authorize capt. Starke to levy a tax on the citizens of Mississippi, and travelers, to keep in repair a road for the citizens of Oktibbeha county.

On motion of Mr. Connell,

The amendment was rejected,

And the bill passed with its title as stated.

The following message was received from the Senate, by Mr. Wilcox, their Secretary, viz:

Mr. Speaker—The senate have given leave to the introduction of bills of the following title:

A bill, to be entitled,

An act to attach a portion of the county of Yazoo to the county of Warren;

A bill, to be entitled,

An act amendatory of an act allowing fees to sheriffs and constables, in certain cases;

A bill, to be entitled,

An act for the relief of securities to debts due the state of Mississippi on account of the sinking fund, seminary fund and town lot fund, in the city of Jackson.

The senate have passed a bill from the house of representatives, of the following title:

A bill, to be entitled,

An act to incorporate the town of Gainsville, in the county of Hancock;

And have passed bills of the following titles:

A bill, to be entitled,

An act to amend an act entitled an act to re-organize the judicial districts of the state of Mississippi, approved February 3d, 1844;

A bill, to be entitled,

An act to authorize the transcribing into suitable books the records of Smith connty;

In which I am instructed to desire the concurrence of the house of representatives.

Mr. Smith, of Washington, according to previous notice, introduced,

A bill, to be entitled,

An act to provide for the construction of a levee on the banks of the Mississippi river, in the counties of Tunica, Coahoma, Bolivar, Washington and Issaquena, and for other purposes;

Which was read the first time.

On motion of Mr. Smith,

The rule was suspended,

The bill was read the second time, and referred to the committee on internal improvement.

Mr. Wade, by leave, presented the petition of James Hatfield;

Which was referred to the committee on propositions and grievances.

Mr. Greaves, by leave, introduced,

A bill, to be entitled,

An act to authorize and empower the probate court of Hinds county, to appoint some suitable person or persons, to be guardian or guardians to John Morrison, of said county, and for other purposes;

Which was read the first time,

On motion of Mr. Greaves,

The rule was suspended, and the bill read the second time, and laid on the table.

Mr. Leonard, by leave, introduced,

A bill, to be entitled,

An act to locate the seat of justice of Hancock county, and for other purposes;

Which was read the first time.

On motion of Mr. Leonard,

The rule was suspended, the bill read the second time, and ordered to be engrossed for a third reading to-morrow.

Mr. Adams, by leave, introduced,

A bill, to be entitled,

An act to change the practice of the circuit court of Yazoo county, in relation to juries;

Which was read the first time.

Mr, Randall, by leave, introduced,

A bill, to be entitled,

An act to emancipate certain slaves, therein mentioned;

Which was read the first time.

Mr. Sessions, from the joint standing committee on enrolled bills, reported that they have this day, presented to his excellency the governor for his approval and signature, bills of the following titles:

An act to reduce the price of public printing;

An act to incorporate the Hercules Hook and ladder company, of Columbus, Mississippi;

An act to prescribe the time of holding the probate courts in the counties of Chichasaw, Monroe, Tishemingo and Noxubee;

An act concerning the estate of William B. Smith, deceased, of Warren county;

An act for the relief Joseph Matthews Wells;

An act for the relief of Charles Anderson, of Pontotoc county.

Mr. Chewning, by leave, introduced,

A bill, to be entitled,

An act to prohibit the police court of Sunflower county, from levying a special tax in certain cases herein provided;

Which was read the first time.

Mr. McNabb gave notice, that he would, on some future day, ask leave to introduce,

A bill, to be entitled,

An act regulating the mode of advertising by tax collectors.

The following message was received from the senate, by Mr. Wilcox their secretary:

Mr. Speaker—The senate have passed a bill of the following title:

A bill, to be entitled,

An act for the relief of David McCaleb of Claiborne county;

In which I am instructed to desire the concurrence of the house of representatives.

The following message was received from his excellency the governor by Mr. Nicholson, his private secretary:

Mr. Speaker—I am instructed by his excellency the governor, to inform the house of representatives, that he has this day approved and signed bills of the following titles, viz:

An act to reduce the price of public printing;

An act for the relief of Charles Anderson, of Pontotoc county;

An act to incorporate the Hercules hook and ladder company, of Columbus, Mississippi;

An act to legalize a special term of the circuit court of the county of Madison, ordered for the firit Monday of February, 1846;

An act to prescribe the time of holding the probate courts in the counties of Monroe, Chickasaw, Tishemingo and Noxubee;

All of which originated in the senate. Also,

An act concerning the estate of William B. Smith, dec'd, late of Warren county;

An act for the relief of Joseph Matthews Wells.

Both of which originated in the house of representatives.

The house resolved itself into committee of the whole, on the bill to be entitled,

An act to reduce the per diem allowance of members of the board of police, probate judge, and probate clerk of Itawamba county;

Mr. Wade in the chair.

After some time spent therein, the committee rose, and reported sundry amendments thereto;

Which was received and agreed to.

On motion of Mr. Wade,

The bill with its amendments, were ordered to be engrossed for a third reading, on to-morrow.

Mr. Walker moved to reconsider the vote just taken on engrossment;

Which was lost.

On motion of Mr. Hughes,

The house adjourned.

TUESDAY, JANUARY 20, 1846.

The House met pursuant to adjournment;

And its deliberations were opened with prayer by the Rev. L. J. Halsey of the city of Jackson.

Mr. Huie presented the petitions of sundry citizens of Lowndes and Choctaw counties;

Which were referred to a select committee of three, consisting of Messrs. Huie, Abbott and Cannon.

Mr. Wade presented the petition of sundry citizens of Carroll county, relative to attaching a portion of said county to that of Holmes;

Which was referred to the committee on county boundaries.

Mr. White presented the petition of sundry citizens of the county of Issaquena;

Which was referred to a select committee of three, consisting of Messrs. White, Adams and Smith of Washington.

Mr. McDonald presented the petition of sundry citizens of Jasper county;

Which was referred to a select committee of three, consisting of Messrs. McDonald, Randall and Smiley.

Mr. Abbott presented the petition of Hendley S. Bennett;

Which was referred to a select committee of three, consisting of Messrs Abbott, Connell and Brooks.

Mr. Martin presented the petition of W. V. Raney, sheriff of Lauderdale county;

Which was referred to the committee on ways and means.

Mr. Harrison presented the petition of L. C. Leland;

Which was referred to a select committee of three, consisting of Messrs. Harrison, Guy and Bailey.

Mr. May presented the petition of R. S. Thornton;

Which was referred to the committee on claims.

Mr. Totten, from the judiciary committee to whom was referred the subject of the amendment of the law of administrations, reported,

A bill, to be entitled,

An act to amend the law of administrations;

Which was read the first time, and the report agreed to.

Mr. Totten, from the same committee, to whom was referred a resolution of the house, instructing the committee to inquire into the expediency of the passage of a law to give the commissioner of the sinking fund the power to compromise with the debtors to said fund, reported,

A bill, to be entitled,

An act to authorize the commissioner of the sinking fund to make compromises with the debtors thereof;

Which was read the first time, and the report received and agreed to.

Mr. Totten, from the same committee, to whom was referred the petition of sundry citizens of Coahoma county, praying the passage of a law prohibiting trespasses on the public lands, reported,

A bill, to be entitled,

An act to prohibit trespasses on school lands;

Which was read the first time, and the report received and agreed to.

On motion of Mr. Alcorn,

The rule was suspended, the bill read the second time and referred to a select committee of three, consisting of Messrs. Alcorn, Totten and Chewning.

Mr. Simrall, from the standing committee on incorporations, to whom was referred the petition (accompanied with a bill) of sundry citizens of North Mount Pleasant, praying for the restoration of the charter of said town, &c., reported,

A bill, to be entitled,

An act to repeal an act, approved 26th January, 1844, entitled, an act to repeal an act incorporating the town of North Mount Pleasant, and for other purposes, &c., &c.;

Which was read the first time, and the report received and agreed to.

On motion of Mr. Totten,

The rule was suspended, the bill read the second and third time forthwith, and passed with its title as stated.

Mr. Moore, from the select committee, to whom was referred the petition of Adelia V. Elkin, reported,

A bill, to be entitled,

An act for the benefit and protection of Adelia V. Elkin, administratrix of the estate of Thomas W. Elkin, deceased, of Monroe county;

Which was read the first time.

On motion of Mr. Moore,

The rule was suspended, the bill read the second and third time, and passed with its title as stated.

Mr. Greaves, from the select committee, to whom was referred that portion of the governor's message which relates to the quo warranto act of 1843, and the banks, have instructed me to make the following report:

Report of the Select Committee of the House of Representatives on the Quo Warranto Act of 1843, *and the Banks.*

Mr. Speaker:—The Select Committee, to whom was referred, that portion of the Governor's Message, which relates to the Quo Warranto act of 1843, and the Banks, have instructed me to make the following Report:

The Committee, have had the subjects assigned them under serious consideration, and recommend "an amendment of the constitution, forever prohibiting the establishment of banks in this State," and the repeal of the eighth, ninth, tenth and eleventh sections, of the Quo Warranto and Injunction act of 1843. The Committee feel that it is due to this House, the country and themselves, that they should declare the reasons which have impelled them to this conclusion. The original bill, as it was introduced into this House, by its distinguished author, embraced only the seven first sections. In that form it passed, and was sent to the Senate, where, upon motion of a distinguished Senator, it was amended by adding the eighth, ninth, tenth and eleventh sections. The bill as amended was sent back to the House and concurred in; and, thus, it became the law of the land. The Committee deem it wholy unnecessary to discuss the constitutionality of the act as it was introduced into this House; for the Supreme Court of the State, the highest tribunal known to the constitution, have preceded them in that task. The seven first sections of the act, celebrated as the original Briscoe Bill, stand the adjudicated law of the land. For the truth of this assertion the Committee refer this House to the decisions of Judges Thacher, Clayton and Sharkey, delivered in the

important cases of "The Commercial Bank of Rodney, vs. the State of Mississippi; the Commercial Bank of Manchester, vs. the State of Mississippi; the State of Mississippi, vs. the Bank of Port Gibson; and the State of Mississippi, vs. the Grand Gulf Bank, as reported in the 4th volume of Smedes & Marshall's Reports. It is perfectly understood that the seven sections of the Quo Warranto act of 1843, are purely remedial in their nature, and that they do not, in the slightest degree, affect contracts entered into with the banks, or the estate, real and personal, belonging to said corporations. It is equally well understood, that the information in the nature of a Quo Warranto, provided for by the first and second sections of that act, is a civil, and not a criminal proceeding; and that the injunction provided for in the sixth section, does not impair the obligation of any contract between the banks and the State, and that it is not a violation of the constitution of the United States. It is also clearly ascertained that the said sixth section is not a violation of the constitution of this State; and that it does not confer judicial power upon the clerks of the circuit courts, whose duty it is made to issue the injunction. With such authorities in our own State, and those out of it, the Committee cannot for a moment doubt the action of this House.

It is said, that the original Quo Warranto Bill of 1843, if carried into effect, will release debtors from the payment of their just debts to the banks. The Committee believe that the charge is so utterly destitute of truth, that a few words in refutation, will put it at rest forever, with all honest and intelligent men. The original bill simply provides a common law remedy, perfectly familiar to the courts of England and the United States. It was said, before the introduction of that bill, that all the incorporated banks in the State had forfeited their charters. The original bill only provides a proceeding at law, by which it can be ascertained whether the banks have forfeited their charters. That proceeding is an information in the nature of a Quo Warranto, at the instance, and on behalf of the State. The original bill does not even allude in the remotest degree to the kind of judgment the court shall render up, upon the finding or verdict of the jury empanneled in the case; nor does it declare, in any manner, what shall be the effect and consequence of a forfeiture of a bank charter, judicially ascertained. The bill does not change the legal relations between the banks and their debtors and creditors, but leaves the general law of the land, *untouched*, to be administered by the judicial tribunals of our State. Can as much be said of the Senate's amendment? Does it not alter the law of the contract? Does it not impair the obligation of all contracts entered into with the banks? and does it not change—absolutely change—the whole law of forfeiture, which existed at the time the contracts were entered into with the banks, and which necessarily became a part of those contracts, and conferred rights and immunities upon the banks which they did not before possess?

Can any man, however able, successfully controvert these positions? The Committee think it would be a labor that even *Hercules* could not perform.

When an incorporated bank is proceeded against for a forfeiture of its charter, by an information in the nature of a writ of Quo Warranto, and it is judicially ascertained that it has forfeited its charter, what is the judgment of the court? The judgment is, that the parties, or corporators, *be ousted*, and the franchises seized into the hands of the government. The bank then is absolutely divested of its corporate capacity; it is dissolved, which dissolution is its civil death. When the corporators are *ousted*, the political body is utterly annihilated; and the franchises which constitute the existence—the vitality of the corporation, return to the bosom of the State, which gave them, as does the *soul* of man, after death, to the *God* who created him.

The Committee ask the indulgence of the House, while they attempt to show what the law was before the passage of the Senate's amendment. This general law, it will be recollected, existed in this State when the banks were incorporated, and when, and after the bank debts were contracted, and their property acquired. Sir Edward Coke says, the real estate remaining unsold, reverts to the grantor and his heirs, "because in the case of a body politic or incorporate, the *fee* is vested in their political or incorporate capacity, created by the policy of man; and therefore the *law* doth annex a condition in *law* to every such gift and grant that if such body politic or incorporate be dissolved, the donor or grantor shall re-enter, for that the *cause* of the gift or grant faileth." When a man dies, without heirs or representatives, his real estate escheats to the State, as well as personal property. And why? Because the *fee* is vested in his natural capacity, and passes out of the grantor without any reversionary interest. The law supposes him capable of having heirs or representatives; but it never yet entertained such a *supposition*, with regard to corporations. Who ever heard of a corporation *procreating* its species, or having heirs and representatives? Did any man ever hear, or read, of a corporation, on its death-bed, making its *last will* and *testament*, and appointing its executors? or of *letters of administration* being granted by the Probate Court, to the *afflicted* wife or husband, *as the gender may be*, to administer on its estate? Mr. Thomas, in his note, at the end of Coke on Corporations, says emphatically, that upon the dissolution of a corporation, all the debts, both to and from it are *totally extinguished*. The right of the grantor to his land, if unsold by the corporation previous to a dissolution, is just as strong, as if specified in the deed; that it should revert to him on the dissolution of the corporation. Sir William Blackstone, the greatest genius that ever shed intellectual light on the constitution and laws of England, says, "a corporation may be dissolved by forfeiture of its charter, through negligence or abuse of its franchises; in which case the law judges

that the body politic has broken the condition, upon which it was incorporated, and thereupon the incorporation is *void*. And the regular course is to bring an information in nature of a writ of Quo Warranto, to inquire by what warrant the members now exercise their corporate power, having forfeited it by such and such proceedings." The "dissolution is the civil death of the corporation; and in this case their lands and tenements shall revert to the person, or his heirs, who granted them to the corporation; for the *law* doth annex a condition to *every* such grant, that if the corporation be dissolved, the grantor shall have the lands again, because the *cause* of the grant faileth. The grant is, indeed, only during the *life* of the corporation, which *may* endure forever: but, when that life is determined by the dissolution of the body politic, the grantor takes it back by reversion, as in the case of every other grant for life. The debts of a corporation, either to or from it, are *totally extinguished* by its dissolution, so that the members thereof cannot recover, or be charged with them, in their natural capacities." The members cannot recover, or be charged with the debts, either owing to, or from, the corporation, in their natural capacities; that is, as citizens of the community, without reference to the corporation. And as they cannot recover, or be charged with the debts in their *unnatural*, or artificial capacities, there is no possible way known in the law, by which they can either recover, or be charged with them; and, therefore, as a natural corollary, *ex necessetati rei*, they are *totally extinguished* and *utterly annihilated*. If stronger terms can be used to express an idea, the Committee are wholly ignorant of them.

The Committee will now refer to some of the many American authorities on the subject, and show to the entire satisfaction of this House, that the English common law, with regard to the effects of a forfeiture of charter, is recognised and enforced, in all its rigor and stringency, in the United States. The assertion, by the *enemies* and sworn *foes* of the original Quo Warranto bill, that the common law of England, with regard to corporations, does not apply to banks in this country, is so utterly demolished by every respectable decision on the question in the United States, that the Committee cannot but contemplate with profound astonishment their bold effrontery, and reckless disregard of truth. Is a bank a different institution from a corporation? Is it a sacred body that the law must not polute and contaminate, by its unholy touch? Is it above the constitution and the laws of the land, and more to be favored than its creators, the people? Surely, *Satan* has rebelled, and requires to be hurled over the battlements, by the potent arm and thunderbolts of the law! Every *tyro* in the law, knows that our banks are corporations, and that corporations are erected for different purposes; some for the promotion of religion and charity; others, education, manufactures, commerce, mining, agriculture, and the emission of paper or notes, which last existed to a

fearful extent at one time in our State; and it may be said of our State, as Mr. Duncan said of Pennsylvania, it "was an extensive manufacturer of home made corporations" covering the land as thick as the frogs and locusts of Egypt.

Chancellor Kent, of New York, the Blackstone of America, says, "according to the *settled law* of the land, where there is no special statute provision to the contrary, upon the civil death of a corporation, all its real estate, remaining unsold, reverts back to the original grantor and his heirs. The debts due to and from the corporation are *all extinguished.* Neither the stockholders, nor the directors or trustees of the corporation, can recover those debts, or be charged with them, in their natural capacity. All the personal estate of the corporation vests in the people, as succeeding to this right and prerogative of the crown at common law." He informs us, that in New York, "a legislative reservation" was annexed to a charter, in 1822, giving to the Legislature power to alter, modify and expunge the act. But that it was also provided that no alteration, modification or repeal should annul or invalidate the contracts made by or with the corporation, and that it should still continue a corporation so as to collect and recover, and dispose of their estate, real and personal, and pay their debts, and divide the surplus. It is unquestionably true, that if the charter of incorporation changes the common law, and provides for the collection of debts, both to and from it, and for the disposition of the estate, real and personal, after forfeiture of charter, it is constitutional. Or, if an act of the Legislature is passed, subsequent to the act of incorporation, and before the debts to and from it are contracted, providing for the collection of debts to and from it, and for the disposition of the estate, real and personal, it is constitutional; and in both cases it being the law of the land at the time the contracts are entered into, and forming a necessary part of the contracts, it will govern them and the estate, real and personal, after a forfeiture of charter is judicially ascertained, or altered, modified or expunged. But, the Legislature can pass no law, after the debts are contracted, (as in the case of the Senate's amendment,) and the charters in fact forfeited, so as to do away with the common law or forfeiture. What does the learned Judge Story say on this identical subject? The House are referred to the 8th vol. of Peters' Reports, page 281, where that great jurist has decided, that "a corporation, by the very terms and nature of its political existence, is subject to dissolution, by a surrender of its corporate franchises, and by a forfeiture of them for *wilful misuser* and *nonuser.* Every creditor must be presumed to understand the nature and incidents of such a body politic, and to *contract* with reference to them. It would be a doctrine *new in the law*, that the existence of a *private contract* of the corporation should *force* upon it a *perpetuity* of existence contrary to *public policy*, and the nature and objects of its charter." How plain! How positively conclusive!! It is there-

fore a part of the substance of every contract with a corporation, whether by a debtor or creditor, that upon its dissolution the debts shall be *extinguished.* In the case decided by Judge Story, the Potomac Company were the defendants, and Jacob Mumma the Plaintiff. That single decision, in the opinion of the Committee, *settles forever* the fate of the Senate's amendment to the original Briscoe bill.

Angell & Ames, two distinguished lawyers in Rhode Island, in their justly celebrated work on corporations, inform us, that "at common law, upon the civil death of a corporation, all its real estate *remaining unsold,* reverts to the grantor and his heirs; for reversion, in such an event, is a condition annexed by the laws inasmuch as the *cause* of the grant has failed. The personal estate in England, vests in the King, and in our own country, (the U. S.) in the people, or State, as succeeding to this right and prerogative of the crown, the debts due to and from it, are *totally extinguished;* so that neither the members nor directors of the corporation, can recover, or be charged with them in their natural capacities. According to that maxim of the civil law, "*si quid universitati debetur, singulis non debetur; nec, quod debet universitas, singuli debent.*" The common law, in this particular, is however, frequently modified by charter or statute." It is unquestionably the meaning of the authors, that the common law may be modified by the charter; and when this is done the modification takes place before the corporation begins business; and the modification being the law at the time the contracts are made, and the estate, real or personal, is acquired, enters into those contracts, and governs and controls the property after forfeiture. But, say the authors, it may be modified by statute. This plain proposition, the committee would not be understood as controverting at all; but they assert, that where the common law is modified, or changed by statute, that it cannot have a *retrospective* bearing, so as to affect contracts entered into prior to its passage; but that it must be *prospective,* and govern only contracts entered into, and property acquired after its enactment. For the truth of these positions, the committee appeal to the common sense of the world.

In 1843, after the passage of the quo warranto act, Chancellor Buckner delivered an opinion on "an assignment," by the rail road bank of Vicksburg, for the benefit of its creditors, to Thomas E. Robbins, William S. Bodley and William W. Frazier. In the course of that opinion, the Chancellor remarks, "only about twelve months of the time within which the road was to be completed then remained, and; by the expressed terms of the charter, it was to become null and void, if the road was not finished within that time." If a forfeiture of the charter was suffered, not only the *rail road* would be lost, but the bank would have been disabled from realizing the other portion of its assets, which were assigned. A large portion of the assets consisted in outstanding debts due

the bank; if the charter had been forfeited, these debts, upon well settled principles of law, would all have been extinguished. The real estate of the bank would have reverted back to the original grantors, and the personal estate have vested in the government." To show conclusively, that the common law doctrine of forfeiture, existed in this State, up to the time of the passage of the quo warranto act of 1843, the committee will quote another sentence, to-wit: "Injurious and destructive to all parties concerned, as these consequences would have been, yet they would *inevitably* have followed a forfeiture of the charter; because there is no provision in the charter, nor in the general laws of the land, guarding against such a result." If the Senate's amendment could have affected these debts, and property of the bank, so as to have saved them from the effects of forfeiture, why this declaration of the Chancellor? Can any thing be plainer?—Can any doubting *political Thomas* want stronger demonstration? When the Senate's amendment was passed, all contracts had been entered into with the banks, and according to Judge Story, with reference to the consequences and effects of a forfeiture of their charters. This law then, became a part of every contract with the banks, as much so, as if it had been expressed, declared and set forth in them. It was the measure of the obligation, and therefore, the legislature could not pass an act *retrospective* in its operations, and which conferred rights upon the banks, they did not possess by the contracts. It is therefore unconstitutional, and should be repealed. But, it is said, that Chancellor Buckner decided, also, in that opinion, "that the property of a banking corporation is a trust fund for all its creditors," and, that "banking corporations are trustees, not only for the stockholders, but also, for the creditors, who have a prior and paramount equity." The committee are satisfied that Chancellor Buckner decided correctly; but must beg leave to state, that it has no application to the subject under discussion. The Chancellor was speaking of banks that had *not forfeited* their charters; for the decision was upon a mere assignment. When a bank forfeits its charter, and it is judicially ascertained, it has *no property*—no *trust fund;* it has no stockholders—no creditors; nor can it be *trustee* for any body. How can that be a *trustee* which does not exist? It is a monstrous absurdity! While the charter exists, then, the *property* is a *trust fund* for all its creditors; and the corporation is a *trustee* not only for the stockholders, but also for the creditors, who have a prior and paramount equity. The committee believe that a moments serious reflection, will satisfy every candid mind on this subject.

The committee invoke the representatives of the people to give this interesting subject a deliberate investigation; and if they will but divest themselves of all prejudice, and approach its consideration with a determination to ascertain and elicit "the truth—the whole truth, and nothing but the truth," they do not fear the issue.

For the ascertainment of this desideratum they call the legislature to the consideration of the case of the State bank of Indiana vs. the State of Indiana, as reported in the 1st vol. of Blackford's Reports. In 1821, it was suggested to the legislature then in session, that the bank had violated its charter. The legislature then passed an act directing the Governor to appoint an agent to cause suit to be instituted against it in the name of the State, by writ of quo warranto, for the purpose of determining whether it had violated its charter. An information in the nature of a quo warranto, was filed, in Knox Circuit Court, against the said bank. A summons was issued against it—served, and returned into court. The bank appeared by attorney, and pleaded. The State replied. On the trial, the jury found the bank guilty of all the breaches set forth, except three, of which they did not find it guilty. The bank appealed to the Supreme Court of Indiana, and Judge Holman delivered the opinion of the court. The court decided, that "a quo warranto information, is a criminal proceeding, only in name and in form; in its *nature* it is a *civil* proceeding." They further say, "it is urged that those charges are only against the President and Directors of the corporation, and not against the stockholders who compose the great body of the company; and that the franchises should not be seized to the manifest injury of the whole corporation, by the misconduct of a few; but it must be recollected that where the government of a corporation exists in a *select body*, as is the case in most corporations, the *act* of the *select body* is the *act* of the corporation." The court say, "the land and tenements revert to the person or his heirs, who granted them to the corporation;" the goods and chattels go to the State, and as to the rights and credits of the corporation, "these, as applying to the debts *due the corporation*, are supposed to be of considerable amount, and have formed a principle feature in every view of this case. *But the importance of the case, arising from the amount in controversy, cannot affect the principles by which it is governed; and when those principles are fixed, they must be declared; let the consequences, to individuals or the community, be what they may.*—That the debts are necessarily lost to the corporation, naturally follows from the principles we have examined: for when dissolved they have no existence, and can have no claim to, or control over any thing whatever. They not only die, but leave no representative behind them. This, in every respect, is the case with aggregate corporations. But although the debts fall out of the lifeless hands of the corporation, at the same time with their real and personal estates, yet, when thus out of their hands, they are very different in their natures from the real and personal estate. Lands and goods have a necessary existence, although they may be without an owner in being or in expectancy. They continue in being, and may be made the subject of possession by occupancy. But this is not the case with respect to debts. They have no necessa-

ry existence, and are so *conclusively personal*, that they cannot exist without an *obligor* and *obligee* in being, or in expectancy.—And on the death of the obligor or obligee, without the posibility of a representative, the obligation ceases. Such appears to be the case on the dissolution of a corporation aggregate." The legislature, by law, appointed *commissioners* to collect the corporation debts, as the Senate's amendment does *trustees* in this State.—And what do the court say in regard to the law? The State "has no connexion with the obligor or obligation, and cannot recover the debt by suit; nor does the act of assembly, authorizing the collection of the corporation debts by *commissioners* to be appointed for that purpose, *make any alteration in the case.* This act was not intended to *make a new law to regulate those debts*, or to alter the principles that govered the corporation contracts, but seems founded on the supposition that the debts would become due to the State, by the seizure of the corporation franchises; and therefore, makes provision for having them collected by commissioners.—There is nothing in the act calculated to give those *debts a continued existence* after the dissolution of the corporation. The act only presumes they would by law have such an existence, and therefore makes a disposition of them. The debts must therefore be considered, *on common law principles*, unaffected by the act, and therefore subject to extinguishment by a dissolution of the corporation."

The committee will now call the attention of this House to the case of Stephen Fox vs. William H. Horah, decided by the Superior Court of North Carolina. A loan of money was obtained by one John G. Hoskino, from the late State bank of North Carolina, by a discount of a note, executed by said Hoskins as principal, and Stephen Fox and William W. Long as sureties, payable at said bank to William H. Horah, Cashier thereof. Upon this note suit was brought by Horah against the makers, and judgment obtained; but before the note could be collected, the bank charter expired by its own limitation. Fox filed his bill in Chancery against Horah, alleging, that by the expiration of the charter, the debt was extinguished; and prayed for a perpetual injunction. Judge Gaston delivered the opinion of the court. They decide that the real estate remaining unsold, reverts to the grantor and his heirs, and the goods and chattels vest in the State. "Choses in action," say the court, "are under the operation of a different will. They were rights of the corporation to demand money in the hands of persons by whom it was withheld. They derived their existence from contracts or *quasi* contracts, by which the relation of debtor and creditor was created. When the creditor corporation died, and there was no successor—no representative, the relation of debtor and creditor ceased, and the debt became necessarily *extinct.* None but the creditor had a right to demand the money; and when his right is gone, the money becomes to all

purposes, the money of the possessor." "It is not to be questioned, we think, that on the expiration of the charter, the debts of every kind due *from* the bank, were extinguished as completely as the debts due *to* it. The stockholders *as such*, were not responsible for those debts, and the expiration of the charter did not throw upon them any such responsibility. ☞There are therefore, no outstanding demands against the late corporation, or those who were stockholders therein, which in *law or equity*, can claim to be satisfied out of the money which the defendant seeks to collect.☜ If he collects it, he cannot be compelled to account therefor to any one, and may therefore keep it to his own use." "The bank was in truth the creditor. The note and the judgment were but securities belonging to the bank, and proper to be enforced to compel payment to the bank of what was due to it. No one could rightfully put these securities in use, but by the presumed or expressed direction of the bank. Upon the death of the bank without succession or representative, this debt became *by law*, as completely *extinguished*, as it could have been by a release from the corporation. While there was a debt and a creditor, the *trustee* could not rightfully enforce the securities but for the payment of the *debt* to the creditor. After the *extinguishment* of the *debt*, he cannot rightfully enforce the securities, because there is no debt to be paid and no creditor to be satisfied." Can any thing be made plainer?—The court absolutely decide, that the claims or debts, after expiration of charter, or dissolution of the corporation, can neither be enforced or collected, at law, or in a court of Chancery. And this decision, be it known, was delivered by Judge Gaston, a jurist whose fame is co-extensive with the Union, and which has even passed the *Atlantic*, and challenged the respect of the courts of England, and the continent of Europe.

The committee will now direct the attention of the House to the provisions of the Senate's amendment; and they feel satisfied that every member will be convinced of its unconstitutionality, who will divest himself of all prejudice and preconceived opinions on the subject. The eighth section enacts "that upon judgment of forfeiture against any bank or banks, corporation or corporations, person or persons, pretending to exercise corporate powers in this State, as contemplated by this act, the debtors of such bank or banks, corporation or corporations, person or persons, pretending to exercise corporate privileges, shall not be released by such judgment from their debts and liabilities to the same; but it shall be the duty of the court rendering such judgment, to appoint one or more *trustees* to take charge of the books and assets of the same; to sue for, and collect all debts due such bank or banks, corporation or corporations, person or persons, pretending to exercise corporate powers, and to sell and dispose of all property owned by such bank or banks, corporation or corporations, person or persons, pretending to exercise corporate powers, or held by oth-

ers, for its or their use; and the proceeds of the debts, when collected, and of the property, when sold, to apply as may hereafter be directed by law, to the payment of the debts of such bank or banks, corporation or corporations, or persons, pretending to exercise corporate powers." The first thing that strikes the mind upon reading this section, is the admission by the mover of the amendment, and the legislature which passed it, that after "judgment of forfeiture," the debtors of the banks are released from the payment of their debts and liabilities to said banks. Can any man doubt it for a moment? It absolutely places the question beyond controversy; and should forever, hermetically seal the lips of those who so loudly denounce the principles contended for, by the friends of the original quo warranto bill. Suppose a bond in the penalty of one thousand dollars, with a condition that it should be void on the payment of five hundred dollars, could the legislature take away this condition, and provide that the bond should not be void on the payment of five hundred dollars, but should stand good for the penalty? Suppose a man borrows ten thousand dollars, and executes his promissory note for the same, payable one day after date? Now, what is the law of the contract? Unless suit is instituted within six years, the holder shall be barred by the statute of limitations. Suppose seven years should intervene before suit is instituted, would not the holder be forever barred, unless the maker should acknowledge the debt and promise to pay it? And could the legislature pass a law enabling the holder to collect the note? They could not. The interest on that amount of money borrowed, would be eight per cent. per annum. After the note was made and executed, could the legislature pass a law declaring that fifteen per cent. per annum should be paid instead of eight. Will any man in his senses say it could be collected, or that the law would be constitutional? Would it not impair the obligation of the contract? Yet such cases are identical with this in principle. Suppose a man, in 1839, or 1842, obtained a loan of money from a bank, by the discount of a note? Suppose that amount to have been fifty thousand dollars? Now, what was the *general law of the land* at the time the contract was made with the bank or corporation? It was, if the bank or corporation violated its charter, and a forfeiture should be judicially ascertained, the debt should become *extinct*, or *totally extinguished*. Now, what say the Supreme Court of the United States, in their application of the *general law* of the land, to contracts entered into while those laws exist? They decide in the case of McCracken vs. Hayword, 2 How. S. C. R. 612, "the laws in existence when a contract is made, are necessarily referred to in all contracts, and form a part of them, as the measure of obligation to perform them by one party, and the right acquired by the other. If any subsequent law affect to *diminish* the duty, or to *impair* the right, it necessarily bears on the obligation of the contract in *favor* of one

party, to the *injury* of the other. The law defines the duty and the right compells one party to perform the thing contracted for, and gives the other a right to enforce the performance, by the remedies then in force. Hence, any law which, in its operation, amounts to a *denial* or *obstruction* of the *rights* accruing by a contract, though professing to act only on the remedy, is directly obnoxious to the prohibition of the constitution." Judge Clayton, in 4th Smede's & Marshall's Reports, 495, distinctly recognizes this to be the law. This law, then, which declared, that on dissolution of the incorporated bank, the debt should be extinguished, was a part of the contract, and cannot be changed by subsepuent legislation, so as to affect the contract. And, "any law which *enlarges*, *abridges*, or in any manner *changes* the *intention* of the parties, resulting from the stipulations of the contract, necessarily impairs it."—4 Wheaton, 197—8 Wheaton, 84—12 Wheaton, 327. The general laws became the stipulations of the contract, and subsequent legislation cannot change them. But what says Judge Story, with regard to the understanding of the parties *in law*, at the time they contracted? In 8 Peter's Reports, 281, he says, "a corporation, by the very terms and nature of its political existence, is subject to dissolution by a surrender of its corporate franchises, and by a forfeiture of them for wilful misuser and nonuser. Every creditor must be presumed to understand the nature and incidents of such a body politic, and to contract with reference to them. It would be a doctrine now in the law, that the existence of a private contract of the corporation should force upon it a perpetuity of existence contrary to public policy, and the nature and objects of its charter." The argument against the constitutionality of the eighth section, as regards the reversion of the real estate, the vesting of the personal property, and the extinguishment of the debts of the banks, is thus clear and conclusive. Indeed the effect of it is to create a new *contract* without the consent of the parties. The debtors never promised to pay these *trustees*. There is no privity of contract between them, and they have no right to sue.

One argument relied upon by the enemies of the original bill, is, that the enforcement of the forfeiture depends upon the state, and that the state may pardon the forfeiture. Hence this statute is good. It is true, the state may pardon the forfeiture of the *corporate franchises*; and that if the state does not chose to prosecute, the dissolution of the corporation will not take place, nor will the debts be extinguished. Whether the forfeiture of charter will be enforced, depends upon the state. The state may pardon it—or connive at it—and individuals cannot complain. But if the state does enforce the forfeiture, and the corporation becomes dissolved, then the debts are thereby totally extinguished. No reason, or judicial authority can be found for the position that the state can enforce the forfeiture, and pardon the extinguishment of the debts. The former is a matter under the control, but the

latter is a condition of the contract between the parties, and cannot be reached without impairing its obligation.

If the eighth section of the quo warranto act of 1843, is unconstitutional, that is sufficient reason why it ought to be repealed, with the ninth, tenth, and eleventh sections, which are founded, and rest upon it.

The House will not fail to notice, that the said eighth section provides further, "That the notes of any such bank or banks, corporation or corporations, or others pretending to exercise corporate powers, shall at all times be received in payment of any debts due the same." Suppose said *Trustees* under said eighth section, should institute suit against the debtors of the banks, and obtain judgment; would not the said debtors have the right to pay and satisfy those judgments in the notes of said banks? Unquestionably they would. Would it, or could it benefit the creditors of the banks? It would and could not. For who would have the worthless and irredeemable notes of these banks? Then, who would it benefit? The question is plain and easily answered. That *Trustees* appointed by the *Courts* and the *Bank Attorneys* employed to prosecute these claims. It would produce endless and perplexing litigation; and would all ultimate in injury and expense, and benefit no creditor. The man who believes that the creditors of the banks would be paid by these *Trustees*, is more completely *behind the times*, than even *old Rip Van Winkle*, when he awoke from a long sleep of twenty years, and discovered, instead of King George and the British Lion, Washington and the American Eagle. The lessons taught by experience, are sadly forgotten, if men think the creditors of the banks will be benefitted by these *Trustees*, and the money collected, applied in that way. It is madness—it is folly to think so; and even if the Supreme Court of our state, were to declare the amendment operative, efficient, and constitutional, we should still demand its repeal. And if the question is narrowed down to *Trustees* or debtors, we unhesitatingly declare for the debtors. If either of the two, *are alone* to be benefitted, the committee say, let the debtors be benefitted, in preference to the *Trustees*, to whom the debtors never contracted or agreed to pay a dollar.

But it is urged by some, who evidently consider themselves driven *to the wall*, that the constitution of our state has abolished the common law doctrine on this subject. And they cite us to the 1st article, 10th section of the organic law of the state, where it declares that "no conviction for any offence shall work corruption of blood or forfeiture of estate;" the common law of England, never yet, from the *Heptarchy* to the reign of Queen *Victoria*, declared, that the conviction of a corporation of an offence, or violation of its charter, worked corruption of blood, or forfeiture of estate. That portion of the common law is wholly applicable to

individuals. The common law applicable to corporations, is totally different. A corporation forfeits nothing but its *franchises;* and the real estate reverts to the grantor and his heirs, because the corporation is dead; and the *fee* being only vested in their *political capacity*, as soon as it ceases to exist. The original grantor and his heirs, by operation of law, become seized and possessed of it again. The goods and chattels are not forfeited. They are deemed of too transitory and fluctuating a nature, to be susceptible of reversionary interests after an estate *for life*, and, on the death of a corporation, they do not revert to the grantor or donor, but being *bona vacantia* or goods wanting an owner, they vest in the state, as well to preserve the peace of the public, as in trust to be employed for the safty, good and ornament of the commonwealth. The advancement of such an argument is perfectly rediculous, and should be driven from this chamber, under the sixty-second rule. It is known to every respectable lawyer, that that portion of the law, abolished by our constitution, is only applicable to individuals, and does not relate to corporations. In England, when a man is *convicted* of treason, or *murder*, and the judgment of the court is rendered, upon that conviction, it works corruption of blood, and forfeiture of estate. The committee will not insult the intelligence of the house, by any further argument on the subject.

But there are other reasons founded in propriety and expediency, why it should be repealed. The legislature have wisely determined to abolish the banking system in this state—a system productive of no good, and only fraught with evil and disaster. To this end they have directed proceedings against all banks which have forfeited their charters, to put them out of existence. This is the only way to get rid of them, and few now object to it. It has become the settled policy of the state, and seems to be generally acquiesced in. Is there any reason in this state of things, why the legislature should interfere between the debtors and the banks, or the creditors of the banks, for the purpose of conferring new privileges upon the latter, at the expense of the former? Both the debtors and creditors of the banks contracted on the same terms, and with reference to the same probable contingency, to-wit; The extinguishment of the debts on the dissolution of the corporations. The contracts of both are subject to the same condition. On the dissolution, the creditor loses his right to enforce payment, and the debtor becomes released from his obligation to pay. Why should the legislature attempt to draw distinctions between them? Why relax the law as it affects the corporations, and render it more stringent upon the debtors? What merit has the creditor, that the debtor should be made to bleed from every pore for his benefit? The true, and only just policy, is to leave the parties to their respective rights, as they existed when they entered into their contracts. Legisla-

tive interference with contracts, ought always to be avoided, and a few years ago, was deprecated by none more than by the banks and their dear friends. Why abandon this wise principle for the benefit of the banks, their stockholders and creditors, and that too, at the expense of the debtor? If any interference of the kind should take place, reasons are cogent and at hand why it ought to be directed towards facilitating the release of the debtors of the banks. But we ask no such interference in behalf of the debtors. All we do demand is, a *fair field*, and *even handed justice*.

But the enemies of the original Briscoe Bill, now admit, that the common law doctrine contended for, by its friends, is in force in this country, and applicable to banks. A distinguished lawyer, in a speech of his, published in the Southron of September 24th, 1845, says, "we concur with them as to the common law, but then proceed to show the equitable doctrine of trusts, and that that embraces the case." He declares that "trusts are creatures of equity, of which the common law takes no notice, and over which courts of equity have an original, a peculiar and exclusive jurisdiction." But he forgot to tell us that these trusts of which equity alone takes notice, must have a substantial and real existence at the time equity takes such original, peculiar and exclusive jurisdiction. We admit that there are subjects over which a court of law has no jurisdiction; and that those subjects are peculiarly referable to a court of equity; but we candidly confess, we never yet have learned, in all our reading, that a court of equity has jurisdiction over *that* which the laws of the land declare *totally extinguished*. If it has, there is certainly something about a court of equity, which is most felicitously and exquisitely *original*, *peculiar*, and *exclusive*. He cites Story's Equity, where he says, "another peculiarity of courts of equity is, that they can administer remedies for rights, which rights, courts of common law do not recognize at all." We do not deny the cold, abstract principle as stated, for the existence of courts of chancery, abundantly prove the principle. But every lawyer and intelligent man knows the application, and that it has nothing to do with the subject in dispute. But he says, "if the advocates of the Briscoe Bill fully maintain their position, that upon the dissolution of a corporation, all debts to and from it, are *totally extinguished, at law*, they have established nothing material to the result, as it relates to the debtors of the banks, unless they also succeed in maintaining that the President and Directors of the banks are not *Trustees* for the creditors or bill holders." But the advocates of the Briscoe Bill, do not contend that upon the dissolution of a corporation, all the debts to and from it, are totally extinguished, *only at law*; we prefer stating our own position on this subject. We contend that they are totally extinguished, in the full and absolute meaning of the terms; for if only totally extin-

guished, *at law*, why have not the law books so stated? We challenge the production of a single line, sentence, or word, in either, Kyd, Wilcox, Blackstone, Kent, Angell, Ames, or any other author who has treated on the subject, where it is stated, that the debts are only totally extinguished *at law*. All the authorities say they are "totally extinguished," and when a debt, or any thing else is totally extinguished, how can it exist? Is a court of chancery vested with one of the attributes of Deity, that it can say, "*Lazarus* come forth," and the dead shall obey? He then admits, in substance, that if we can show that the President and Directors of the banks, after dissolution, are not trustees for the benefit of the creditors or bill holders, we have settled the question in our favor. This we will proceed to do by as high authority as any in the U. States; and much higher than *many* adduced by the gentleman, to sustain a contrary position. We allude to Judge Gaston of North Carolina, in the case of Fox against Horah. He says, "it is not to be questioned, we think, that on the expiration of the charter, the debts of every kind due *from* the bank, were extinguished as completely as the debts due *to* it. The stockholders as such were not responsible for those debts, and the expiration of the charter did not throw upon them any such responsibility. *There are therefore no* outstanding demands against the late corporation, or those who were stockholders therein, *which in law or eq y*, can claim to be satisfied out of the money which the defendent seeks to collect." "Upon the death of the bank without succession or representative, this debt became by law as completely extinguished, as it could have been by a release from the corporation. While there was a debt and a creditor, the trustees could not rightfully enforce the securities but for the payment of the *debt* to the *creditor*. After the extinguishment of the debt, he cannot rightfully enforce the securities, because there is *no debt* to be paid and *no creditor* to be satisfied." No decision in this state has been made on the question in controversy.

The committee, therefore, recommend the repeal of the eighth, ninth, tenth and eleventh sections of the quo warranto act of 1843, and have instructed me to introduce a bill for that purpose, which accompanies this report, and ask to be discharged from the further consideration of said subject. All of which is respectfully submitted.

S. A. D. GREAVES,
Chairman of Committee.

The bill accompanying said report, to be entitled,

An act to repeal the 8th, 9th, 10th and 11th sections of an act to prescribe the mode of proceeding against incorporated banks for a violation of their corporate franchises, and against persons pretending to exercise corporate privileges under acts of incorporation, and for other purposes, approved 26th July, 1843;

Was read the first time.

On motion of Mr. Fontaine,

The report was received, and two hundred copies of the report and bill ordered to be printed.

Mr. Hughes, from the select committee, to whom was referred the petition of Alfred Leech, reported,

A bill, to be entitled,

An act to change the name of Penyna Wilson to that of Penyna Leech;

Which was read the first time.

On motion of Mr. Hughes,

The rule was suspended, the bill read the second and third time, and passed with its title as stated.

Mr. Binford, from the select committee, to whom was referred the petition of the citizens of the town of Black Hawk, in the county of Carroll, reported,

A bill, to be entitled,

An act to incorporate the town of Black Hawk, in the county of Carroll;

Which was read the first time, and the report received and agreed to.

On motion of Mr. Binford,

The rule was suspended, the bill read the second and third time forthwith, and passed with its title as stated.

Mr. Smiley, from the select committee, to whom was referred,

The senate bill, entitled,

An act to authorize the board of police in Amite county to create additional districts for the election of justices of the peace in said county, reported sundry amendments thereto;

Which was received and agreed to.

On motion of Mr. Smiley,

The amendments were ordered to be engrossed and made the special order of the day for a third reading on to-morrow, at 11 o'clock.

The following message was received from the senate, by Mr. Wilcox, their secretary:

Mr. Speaker—The senate have passed bills from the house of representatives of the following titles:

A bill, to be entitled,

An act to organize the county of Perry;

A bill, to be entitled,

An act to run the line between the counties of Chickasaw and Oktibbeha;

A bill, to be entitled,

An act to change the time of holding the probate court in the county of Lauderdale;

A bill, to be entitled,

An act for the relief of Rufus Ford;

And have made an amendment thereto,

In which I am instructed to desire the concurrence of the house of representatives.

The senate have concurred in the amendment made by the house, to

A bill, to be entitled,

An act to authorize Peter B. Starke to erect a toll bridge across the Noxubee river.

Mr. Sessions, from the committee on enrolled bills, reported that they have examined bills of the following titles, viz:

An act to detach a portion of the county of Lafayette therefrom, and attach the same to the county of Marshall, and for other purposes;

An act to incorporate the town of Gainesville in the county of Hancock;

An act to change the time of holding the circuit court of Tallahatchie county;

Also, resolutions instructing our senators and requesting our representatives in the congress of the United States, to sustain the recommendations of the president of the United States, in relation to the public lands, and for other purposes;

And have found the same correctly enrolled.

Mr. Stuart, from the select committee, to whom was referred the petition of A. J. Blackburn, reported,

A bill, to be entitled,

An act for the relief of A. J. Blackburn;

Which was read the first time, and the report received and agreed to.

Mr. Moody, from the committee, to whom was referred the petition of John R. McAnn, reported that they deem it inexpedient to

grant the prayer of the petitioner, and ask to be discharged from its further consideration;

Which was received and agreed to.

Mr. Moody, from the committee, to whom was referred the petition of sundry citizens of Clarke county, reported bills of the following titles:

A bill, to be entitled,

An act to incorporate the Enterprize bridge company in the county of Clarke;

A bill, to be entitled,

An act to incorporate the town of Enterprize in the county of Clarke;

Which were read the first time, and the report received and agreed to.

Mr. Leonard, from the select committee, to whom was referred the petition of sundry citizens of Hancock county, reported,

A bill, to be entitled,

An act for the relief of the legal heirs and representatives of Amos Lott, deceased;

Which was read the first time, and the report received and agreed to.

Mr. Alcorn, from the select committee, to whom was referred the petition of John R. Sanford, reported,

A bill, to be entitled,

An act for the benefit of John R. Sanford, sheriff of Coahoma county;

Which was read the first time, and the report received and agreed to.

Mr. Harris, by leave, presented the petition of sundry citizens of Copiah county, and also the map of the 16th section of Rankin county;

Which were referred to the committee on education.

Mr. Sharkey, by leave, introduced,

A bill, to be entitled,

An act to secure to the owners of slaves, executed by sentence of law, compensation for the same;

Which was read the first time.

Mr. Bynum, by leave, introduced,

A bill, to be entitled,

An act to punish slanderers and libellers;

Which was read the first time.

Mr. Head, by leave, introduced

A bill to be entitled,

An act to change the time of holding the probate court of Franklin county;

Which was read the first time.

Mr. Hyneman, by leave, introduced

A bill to be entitled,

An act to change the mode of assessing taxes, and for other purposes;

Which was read the first time.

On motion of Mr. Hyneman,

The rule was suspended,

And the bill read the second time,

And referred to the committee on ways and means.

Mr. Pettus, by leave, introduced

A bill to be entitled,

An act, for the relief of Tilman Mitchell, late sheriff of Kemper county;

Which was read the first time.

On motion of Mr. Pettus,

The rule was suspended,

The bill read the second time,

And referred to a select committee of five, consisting of Messrs. Pettus, Cowan, Simrall, Kennedy and Lemley.

Mr. Abbott, by leave, introduced

A bill to be entitled,

An act, to extend and regulate the remedy by attachment;

Which was read the first time.

On his motion,

The rule was suspended,

The bill read the second time,

And referred to the judiciary committee.

Mr. Moody, by leave, introduced

A Bill to be entitled,

An act, to regulate judicial proceedings in cases of assault and battery;

Which was read the first time.

On motion of Mr. Green of Hinds,

Resolved, That the commissioner of public buildings be requested to furnish this house with a statement of all contracts entered into by him on behalf of the state for the last two years.

On motion of Mr. Hyneman,

Resolved, That the committee on propositions and grievances be instructed to inquire into the expediency of passing a law authorizing the wives of convicts in the penitentiary to receive half of the nett proceeds of their husbands' labor.

On motion of Mr. Pendleton,

Resolved, That the clerk of the house be instructed to deliver all petitions and other documents to the chairman of the committee to whom they are referred within 24 hours after they are received.

On motion of Mr. Dilworth of Tishemingo,

Resolved, That the committee of ways and means be instructed to amend the revenue laws, so as to require the probate clerks of the respective counties to report to the auditor of public accounts on the first day of February, in each and every year, the amount of licences issued by them during the preceding twelve months to retailers of spirituous or vinous liquors; to pedlars, brokers, and to keepers of billiard tables, under a penalty of one hundred dollars for a failure thus to report, to be recovered at the suit of the state, upon the certificate of the auditor of public accounts, that such report has been received by him from such defaulting clerks respectively; and that said committee inquire into the expediency of so changing or amending the revenue laws of 1844, that the monies received for said licences for the state, shall in no case be paid into the county treasury, but shall be received by the clerks issuing such licences, and by them to be paid to the tax collector, under sufficient penalties for a failure to do so.

Mr. Singleton offered the following resolution:

Resolved, That hereafter, the roll called for the presentation of petitions, memorials &c., be dispensed with, except on Tuesday and Thursday mornings, and at those times and no others, this house receive and act upon them.

Resolved further, That the resolution heretofore passed by this house, declaring that upon an adjournment of the house it should not meet again until the next legislative day, be, and the same is hereby rescinded.

Mr. Singleton moved that the rule requiring one day's previous notice to be given be dispensed with;

Which was lost,

And the resolution laid on the table.

Mr. Rogers offered the following resolution:

Resolved, That the committee on the lunatic asylum be instructed to report a bill, providing for the erection of an appropriate institution for the accommodation of the insane of this state, and that the funds necessary to erect the same be appropriated out of the funds of the state of Mississippi now in the treasury of the United States, known as the fund distributed to Mississippi as her share of the nett proceeds of the sale of public lands, by the second section of an act of Congress, passed September, 1841;

Which was lost.

A communication was received from the secretary of state in obedience to a resolution of the house relating to the registry of the 500,000 acres of land donated to the state by the congress of the United States.

The senate bill entitled,

An act, to amend an act, entitled an act to re-organize the judicial districts of the state of Mississippi, approved February 3d, 1844,

Was read the first time.

The senate bill entitled,

An act, to authorize the transcribing into suitable books, the records of Smith county,

Was read the first time.

On motion of Mr. Gilleland,

The house concurred in the amendment made by the senate to a bill from the house, entitled an act, for the benefit of Rufus Ford.

The senate bill entitled,

An act, for the relief of David McCaleb, of Claiborne county, was read the first time.

The following message was received from the senate by Mr. Wilcox, their secretary:

Mr. Speaker—The senate have passed bills of the following titles:

A bill, to be entitled,

An act for the relief of William E. T. Griffeth;

A bill, to be entitled,

An act to define the powers and duties of the board of police of Monroe and Chickasaw counties;

In which I am instructed to desire the concurrence of the house of representatives.

The senate bill, entitled,

An act for the relief of William E. T. Griffeth, a minor of the county of Adams;

Was read the first time.

The senate bill, entitled,

An act to define the powers and duties of the board of police of Monroe and Chickasaw counties;

Was read the first time.

On motion of Mr. Walker,

The rule was suspended, the bill read the second time, and referred to a select committee of three, consisting of Messrs. Walker, Moore and Fontaine.

The house bill, entitled;

An act supplemental to an act entitled an act to restrict the sheriff of Itawamba county from doing constables business, &c.;

Was read the second time, and ordered to be engrossed for a third reading on to-morrow.

The bill, entitled,

An act declaring certain slaves free persons of color;

Was read the third time.

The question was then taken on the passage of the bill, and decided in the negative by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Adams, Allen, Beaty, Binford, Buford, Campbell, Chewning, Dilworth of Monroe, Dilworth of Tishemingo, Emanuel, Ewing, Fontaine, Foster, Fowles, Gibbs, Greaves, Harrison, Hyneman, May, McCaughan, McInnis, Metcalf, North, Pendleton, Pope, Randall, Rossman, Rushing, Sessions, Simmons, Singleton, Smiley, Smith, of Washington, Smyth of Winston, Spann, Wade, Walker and White—38.

Those who voted in the negative, are,

Mr. Speaker, Messrs. Abbott, Archer, Beene, Berry of Tippah, Bynum, Cannon, Connell, Cowan, Crain, Cushman, Cypert,

Farrar, Frost, Gilleland, Green of Hinds, Griffin, Gay, Harris, Hinds, Holleman, Hughes, Huie, Kennedy, Leigh, Lemly, Leonard, Loper, Malone, Martin, Maxey, McAfee, McNabb, Millsaps, Moody, Moore, Pettus, Potts, Robertson, Rogers, Sharkey, Stewart, Thompson, Torrey, Totten, Warren, Weathersby and York—48.

Mr. Fontaine offered the following resolution:

Resolved, (the senate concurring,) That our senators in congress be instructed, and our representatives requested to exert their influence to procure patents, to be issued by the general government to all lands that have been donated to the state of Mississippi.

The rule was suspended and the resolution adopted.

The house bill, entitled,

An act giving power to the circuit and chancery courts to legitimatize bastard children, alter or change names, and for other purposes;

Was read the second time, and,

On motion of Mr. Cushman,

Referred to the committee on the judiciary.

The house bill, entitled,

An act to authorize the governor of the state of Mississippi to appoint commissioners in other states;

Was read the second time, and ordered to be engrossed for a third reading to-morrow.

The house bill, entitled,

An act to consolidate the school funds in township 2, range 3 west, and township 2, range 2 west, in the county of Wilkinson;

Was read the third time, and,

On motion of Mr. Harris,

Laid on the table.

The house bill, entitled,

An act to emancipate Richard a slave;

Was read the third time,

And Mr. Allen permitted to withdraw the bill.

The amendments made by the house to the senate bill, entitled,

An act for the establishment of a seminary of learning in the city of Jackson;

Was read the third time, and passed as amended.

The senate bill, entitled,

An act to provide for an additional justice of the peace in the district of Holmesville;

Was read the second time, and ordered for a third reading on to-morrow.

The Senate bill, entitled,

An act to amend an act entitled an act to amend an act entitled an act to make valid and confirm the last will and testament of William Wall of Monroe county, deceased, approved July 28, 1843;

Was read the second time, and ordered for a third reading on to-morrow.

The house bill, entitled,

An act in relation to the bonds of coroners;

Was read the second time.

On motion of Mr. Harris,

The bill was ordered to be engrossed,

And made the special order of the day for a third reading at 12 o'clock, to-morrow.

The house bill, entitled,

An act for the relief of John H. Rollins;

Was read the second time.

On motion of Mr. Totten,

The bill was ordered to be engrossed,

And made the special order of the day for a third reading at 10 o'clock, to-morrow.

The house bill, entitled,

An act to establish the seat of justice in the county of Issaquena, with an amendment thereto;

Was read the second time,

The amendment adopted, and ordered to be engrossed as amended for a third reading on to-morrow.

The house bill, entitled,

An act to change the name of Susanna W. House, and for other purposes;

Was read the second time,

And ordered to be engrossed for a third reading to-morrow.

The house bill, entitled,

An act to incorporate Blue Springs Lodge No. 95, [illegible] and accepted masons,

Was read the second time.

On motion of Mr. Green of Hinds,

The rule was suspended, the bill read the third time,

And passed, with its title as stated.

A bill, to be entitled,

An act to incorporate the town of Greensborough, in Chickasaw county, and to repeal all other acts incorporating the same,

Was read the second time,

And ordered to be engrossed for a third reading on to-morrow.

The following message was received from the senate by Mr. Wilcox their secretary:

Mr. Speaker—The senate have concurred in the following resolutions from the house:

Resolved, (the senate concurring,) That our senators in congress be instructed, and our representatives be requested to exert their influence to procure patents to be issued by the general government to all lands that have been donated to the state of Mississippi.

The bill, to be entitled,

An act to authorize the board of police in Green county, to levy a special tax, and for other purposes,

Was read the second time,

And ordered to be engrossed for a third reading on to-morrow.

The bill, to be entitled,

An act to repeal an act entitled an act to incorporate the university of Mississippi,

Was read the second time, and,

On motion of Mr. Sessions,

Laid on the table.

The bill, to be entitled,

An act to change the manner of appeals before justices of the peace,

Was read the second time, and,

On motion of Mr. Cushman,

Referred to the committee on the judiciary.

The bill, to be entitled,

An act, to provide for the payment of the expenses for transcribing the records of the county of Issaquena;

Was read the second time; and,

On motion of Mr. Fontaine,

Referred to the committee on claims.

Mr. Kennedy moved, that the house adjourn; which was lost.

The bill, to be entitled,

An act to declare Mike's or Fishing river in the county of Hancock, a navigable stream;

Was read the second time.

Mr. Green, of Hinds, moved that said bill be reported to the committee on internal improvement, with instructions to inquire into the expediency of providing for a scientific survey of the whole state, to be paid for out of the three per cent. fund;

Which failing, the bill was ordered to be engrossed for a third reading to-morrow.

The bill, to be entitled,

An act to repeal the 4th section of an act entitled an act to amend an act to incorporate the town of Grenada in Yalobusha county, and for other purposes;

Was read the second time,

And ordered to be engrossed for a third reading tomorrow.

On motion of Mr. Cushman,

The house adjourned.

WEDNESDAY, JANUARY 21, 1846.

The house met pursuant to adjournment;

And its deliberations were opened with prayer by the Rev. Mr. Vail of Cincinnati, Ohio.

On motion of Mr. Cannon,

The call of the counties was dispensed with.

Mr. Singleton presented the petition of sundry citizens of Madison county in relation to Edmond Rice, deceased;

Which was referred to a select committee of seven, consisting of Messrs. Singleton, Ewing, Totten, Simrall, Smiley, Adams and Bynum.

Mr. Adams presented the petition of sundry citizens of Yazoo

county, relative to annexing a portion of the county of Issaquena to that of Yazoo;

Which was referred to a select committee of three, consisting of Messrs. Woodbury, Chewning and White.

Mr. Greaves presented the petition of B. C. Hartwell and G. G. Kerr;

Which was referred to the committee on claims.

Mr. Greaves presented the petition of A. Hutchinson;

Which was referred to the committee on the judiciary.

Mr. Singleton, from the committee on propositions and grievances, to whom was referred the petition of Jacob Weaver, a citizen of Tishemingo county, praying the privilege of vending ardent spirits in any quantity, without license, reported,

That it is inexpedient to grant the prayer of the petitioner, and ask to be discharged from its further consideration;

Which was received and agreed to.

Mr. Sessions, from the joint standing committee on enrolled bills, reported that they have examined,

An act to run the lines between the counties of Chickasaw and Oktibbeha;

An act to organize the counties of Perry and Clarke;

An act to change the time of holding the probate court in the county of Lauderdale;

An act for the benefit of Rufus Ford;

Also a resolution requesting our senators and representatives in congress to procure patents, &c.;

And have found the same correctly enrolled.

Mr. Singleton, from the committee on propositions and grievances, to whom was referred the petition of James Hatfield, granting him the privilege to sell goods without a license, reported,

That it is inexpedient to grant the prayer of the petitioner, and ask to be discharged from its further consideration;

Which was received and agreed to.

Mr. Totten, from the judiciary committee, to whom was referred,

A bill, to be entitled,

An act to authorize Bythell H. Beard, guardian, to remove the personal property of his wards out of this state, and for other purposes,

Reported the bill back to the house, and recommended its passage;

Which was received and agreed to, the bill read the second time; and,

On motion of Mr. Simrall,

Ordered to be engrossed,

And made the special order of the day on to-morrow at 11 o'clock, for a third reading.

Mr. Totten, from the same committee, to whom was referred,

A bill, to be entitled,

An act to authorize the legal representatives of Benjamin F. Herbert to sell his real estate;

Reported the bill back to to the house and recommended its passage;

Which was received and agreed to, the bill read the second time; and,

On motion of Mr. Simrall,

Ordered to be engrossed,

And made the special order of the day for to-morrow at half-past 11 o'clock, for a third reading.

Mr. Totten, from the same committee, to whom was referred,

A resolution of the house, instructing the committee to inquire into the expediency of so amending an act passed June 14th, 1822, so as to make the prosecutor in all inferior offences, liable for costs in all cases where the state fails therein, &c., &c., reported,

A bill, to be entitled,

An act to authorize courts to tax prosecutors with costs in certain cases;

Which was read the first time,

And the report received and agreed to.

Mr. Totten, from the same committee, to whom was referred,

The petition of George Bounds of the county of Itawamba, praying the passage of a law divorcing him from his wife Anne Bounds, reported,

That it is inexpedient to grant the prayer of said petitioner, and ask to be discharged from its further consideration;

Which was received and agreed to.

Mr. Totten, from the same committee, to whom was referred,

A bill, to be entitled,

An act for the relief of widows and orphans, and for other purposes;

Referred the bill back to the house without amendment, and recommended its passage;

Which was received and agreed to.

The bill was read the second time,

And ordered to be engrossed for a third reading on to-morrow.

Mr. Totten, from the same committee, to whom was referred a resolution of the house, instructing the committee to inquire into the expediency of making it the duty of the returning officer of each county in the state immediately ensuing each general election, to qualify each officer that may have been elected at said general election, which resolution is accompanied by a bill to carry out the principles therein contained, reported

That it is inexpedient to change the present laws on the subject, and ask to be discharged from its further consideration;

Which was received and agreed to.

Mr. Totten, from the same committee, to whom was referred the petition of David Mikell and sundry other citizens of the county of Oktibbeha, praying the passage of a law authorizing the emancipation of a negro man named Andrew, of said county, reported that it is inexpedient to grant the prayer of the petitioners, and ask to be discharged from its further consideration;

Which was received and agreed to.

Mr. Totten, from the same committee, to whom was referred a resolution of the house instructing the committee to inquire into the expediency of altering the present mode of selecting jurors for the circuit court, making it the duty of the boards of police to make out a venire for each term of said court, reported that it is inexpedient to change the present laws on that subject, and ask to be discharged from its further consideration;

Which was received and agreed to.

Mr. Totten, from the same committee, to whom was referred a resolution of the house, instructing the committee to inquire into the expediency of so altering the laws now in force as to enable defendants in criminal cases to take the depositions of non-resident witnesses to be read as evidence on the trial of such cause, reported that it is inexpedient to engraft the principles of said resolu-

tion into the laws of this state, and ask to be discharged from its further consideration;

Which was received and agreed to.

Mr. Gilleland, from the committee on elections, reported,

That they have examined the credentials of V. N. H. Netterville, from the county of Wilkinson, and find that he was duly and constitutionally elected a member of this house, from the county aforesaid, for the term prescribed by the constitution;

Which was received and agreed to.

Mr. Allen, from the committee on education, to whom was referred the petition of sundry citizens of the State of Mississippi, praying for pecuniary aid for the education of the deaf and dumb, reported,

That it is inexpedient at this time, to tax the people or appropriate any monies, now in the treasury, for the education of the deaf and dumb of this state;

Which was received and agreed to.

Mr. Wade, from the committee on ways and means, to whom was referred a resolution instructing them to inquire into the expediency of assessing and collecting the revenue of the state by an equal ad valorem system; also a resolution instructing them to inquire into the expediency of reporting a bill taking from the sheriffs of different counties the collection of taxes, and consolidate the office of assessor and collector of taxes; and fix the compensation at five per cent. from the amount collected, reported that it is inexpedient to legislate on the subject referred to;

Which was received and agreed to.

Mr. May, from the select committee, to whom was referred the petition of sundry citizens of Tunica county, praying that William Rawls be released from the payment of a judgment *nisi*, rendered up against him at a circuit court of said county, reported,

A bill, to be entitled,

An act for the relief of William Rawls of Tunica county;

Which was read the first time, and the report received.

Mr. Green of Hinds, from the committee to whom was referred the petition of William Morris, reported,

A bill, to be entitled,

An act for the relief of William Morris;

Which was read the first time,

And the report received and agreed to.

On motion of Mr. Green,

The rule was suspended, the bill read the second and third time, and passed with its title as stated.

The following message was received from his excellency the governor, by Mr. Nicholson, his secretary:

To the Senate and House of Representatives:

The trustees of the state library, at a meeting yesterday, unanimously passed the following resolution:

Resolved, (by the trustees of the state library,) That the governor be requested to lay before the legislature, now in session, the present financial condition of the library and the amount now due from it, and to request the aid of the legislature in paying the debts.

In conformity to the above resolution, I submit to the legislature the following statement: In 1841 the governor contracted a considerable debt in the purchase of books from Messrs. Gould, Banks & Co., of New York, and Messrs. Grigg & Elliott, of Philadelphia. The library was then in its infancy, and the executive was actuated by a laudable anxiety to give it a firm and respectable standing—and relying on the then liberal appropriation of one thousand dollars per annum, in good funds, he contracted the debt, with the consent of the then trustees. Soon after this, the legislature reduced the annual appropriations one-half, and that half has generally been paid in depreciated paper, so that with all the exertions of the present trustees to pay the library out of debt, there are of these old liabilities twelve hundred dollars still unsettled—all of which is due Messrs. Gould, Banks & Co., of New York. These gentlemen have waited patiently since 1841, not doubting, as they have repeatedly assured me, that the state would do them justice. I submit the facts to the legislature.

A. G. BROWN.

EXECUTIVE CHAMBER,
21st January, 1846.

Mr. Emanuel, from the select committee, to whom was referred the special message of the governor relating to an enclosure around the capitol,

Reported the same back to the house, and asked that said message be referred to the committee on public buildings;

Which was received and agreed to.

Mr. Walker, from the committee, to whom was referred the petition of Ira A. Shepperd and others,

Reported that it is inexpedient to grant the prayer of the petitioners, and ask to be discharged from its further consideration;

Which was received and agreed to.

Mr. Adams by leave, introduced,

A bill, to be entitled,

An act to authorize the probate court of Yazoo county to order a sale or compromise of claims due the estates of deceased in certain cases;

Which was read the first time.

Mr. Moody, by leave, introduced,

A bill, to be entitled,

An act to provide for the permanent improvements of interior navigation;

Which was read the first time.

On his motion,

The rule was suspended,

And the bill read the second time.

On motion of Mr. Cannon,

The bill was indefinitely postponed.

Mr. Rossman, by leave, introduced,

A bill, to be entitled;

An act to amend the charter of incorporation of the town of Port Gibson;

Which was read the first time.

The rule was suspended,

And the bill read the second time.

Mr. Rossman moved for a further suspension of the rule;

Which was lost.

On motion of Mr. Greaves,

The bill, entitled,

An act to appoint some person or persons to be guardian or guardians to John Morrison, &c.,

Was called from the table,

And read the second time.

On motion of Mr. Harris,

The bill was referred to a select committee of three, consisting of Messrs. Harris, Greaves and Moody.

The special order, to be entitled,

An act to authorize the board of police of Amite county to create additional districts for the election of justices of the peace in said county;

Was taken up, read the third time, and passed, as amended.

The special order to be entitled,

An act in relation to the bonds of coroners was taken up, read the third time, and passed with its title as stated.

The special order, to be entitled,

An act for the relief of John H. Rollins;

Was taken up,

And read the third time.

On motion of Mr. Connell,

The bill was laid on the table for the present.

Mr. Smith of Washington moved to call from the orders of the day, No. 88;

Which was lost.

The house bill entitled,

An act, to amend an act of the Mississippi Territory, of March 10th, 1803, revised and amended by an act of December 9th, 1809, incorporating the city of Natchez, and the several acts supplemental thereto,

Was read the third time, and passed,

With its title as stated.

The following message was received from the senate, by Mr. Wilcox, their secretary:

Mr. Speaker—The president of the senate has signed acts originating in the house of representatives, of the following titles:

An act to organize the counties of Perry and Clarke;

An act to change the time of holding the probate court in the county of Lauderdale;

An act for the benefit of Rufus Ford;

An act to run the line between the counties of Chickasaw and Okitibbeha;

An act to detach a portion of the county of Lafayettee therefrom and attach the same to the county of Marshall, and for other purposes;

An act to incorporate the town of Gainsville in the county of Hancock;

Also,

A resolution of the state of Mississippi, instructing our senators and requesting our representatives in the congress of the United States, in relation to the public lands, and for other purposes;

Resolution of the state of Mississippi, requesting our senators in Congress, and our representatives to procure patents;

Also,

An act, originating in the senate, to change the time of holding the circuit court in the county of Tallahatchie.

The senate have given leave to the introduction of a bill of the following title:

A bill, to be entitled,

An act, to amend the several laws of the state in relation to courts of probate.

The senate have concurred in the amendment made by the house of representatives to a senate bill, entitled

An act for the establishment of a seminary of learning in the city of Jackson;

And have passed a bill of the following title:

A bill, to be entitled,

An act, amendatory of an act, allowing fees to sheriffs and constables in certain cases, approved December 25, 1833.

Also,

A memorial to the Congress of the United States;

In which I am instructed to desire the concurrence of the house of representatives.

The house bill, entitled

An act, to authorize taking depositions in certain cases, and for other purposes,

Was read the second time.

On motion of Mr. Totten,

The bill was ordered to be engrossed,

And made the special order of the day for a third reading on to-morrow at twelve o'clock.

The house bill, entitled,

An act, to authorize and require the trustees of schools and school lands in the city of Columbus, in township 15, s., of range

18, w., to execute deeds to lots of less dimensions than one fourth of one acre, and for other purposes,

Was read the second time,

On motion of Mr. Connell,

The rule was suspended,

The bill read the third time,

And passed,

With its title as stated.

The senate bill, entitled,

An act, for the relief of Leah Beasly, a woman of color,

Was read the second time,

Mr. Smiley moved to lay the bill on the table,

Which was lost.

On motion of Mr. Fontaine,

The bill was indefinitely postponed.

The following message was received from the senate, by Mr. Wilcox, their secretary:

Mr. Speaker—The senate have made an amendment to the amendments made by the house of representatives to

A bill, entitled

An act, explanatory of an act for the incorporation of the university of Mississippi, approved February 24th, 1844:

In which I am instructed to desire the concurrence of the house;

The senate bill, entitled

An act, to provide for the purchase of a book, called "North on Probate Courts,"

Was read the second time.

Mr. Walker moved that the bill be indefinitely postponed.

Before the question was taken,

On motion of Mr. Aldorn,

The house resolved itself forthwith into committee of the whole on said bill,

Mr. Sharkey in the chair.

After some time spent therein,

The committee rose and reported the bill back to the house with an amendment;

Which was agreed to,

On motion of Mr. Gilleland,

The amendment was ordered to be engrossed,

And the bill and amendment ordered for a third reading on to-morrow,

On motion of Mr. Cushman,

The house adjourned.

THURSDAY, JANUARY 22, 1846.

The house met pursuant to adjournment;

And its deliberations were opened with prayer by the Rev. Mr. Vail, of Cincinnati, Ohio.

Mr. Greaves presented the claim of Y. P. Wardell,

Which was referred to the committee on claims.

Mr. McAfee presented the petition of Albert Watts, *et al.*, praying the passage of a law, annexing a portion of Marion county to that of Covington,

Which was referred to the committee on county boundaries.

Mr. Randall presented the claim of A. F. Lewis,

Which was referred to a select committee of three, consisting of Messrs. Randall, McCaughan and Leonard.

Mr. Randall presented a memorial to Congress to remove the obstructions in, and open the passage from the Mississippi, &c.;

Which was read the first time.

Mr. Gilleland presented the claim of R. M. Cade,

Which was referred to the committee on claims.

Mr. Connell presented the petition of William Hundly,

Which was referred to the committee on claims.

Mr. Metcalf presented the petition of sundry citizens of Scott county,

Which was referred to a select committee of three, consisting of Messrs. Metcalf, Lemly and Moody.

Mr. Dilworth, of Tishemingo, presented the claim of Mr. McDonald,

Which was referred to the committee on claims.

Mr. Singleton, from the committee on propositions and grievances,

To whom was referred the petition of sundry citizens of Madison county, praying the passage of

An act, to confer the rights, privileges and immunities of a free

man of color upon Jo. Rollins, reported,

That it is inexpedient to grant the prayer of the petitioners;

Which was received and agreed to.

Mr. Totten, from the judiciary committee,

To whom was referred a bill to be entitled,

An act, to extend and regulate the remedy by attachment;

And also, a bill to be entitled,

An act, to extend the attachment laws of this state in favor of non resident creditors against non resident debtors under certain circumstances; reported

An amendment thereto, consolidating said bills,

And recommended its passage;

And asked to be discharged from the further consideration of the same.

The amendment was read the first time,

And the report was received and agreed to.

On motion of Mr. Totten,

The rule was suspended; the bill read the second time, and ordered to be engrossed for a third reading on to-morrow.

Mr. Totten, from the same committee,

To whom was referred a bill to be entitled,

An act, to authorize R. P. Davis, guardian, to remove the property of his wards beyond the limits of this state, reported said bill back to the house without amendment,

And recommended its passage,

And asked to be discharged from its further consideration:

Which was received and agreed to,

The bill read the second time,

And ordered to be engrossed for a third reading on to-morrow.

Mr. Totten, from the same committee,

To whom was referred a resolution of the house,

Instructing the committee to inquire into the expediency of revising the laws of this state, reported,

That the condition of the treasury is such at this time, that it would not be expedient to make the appropriations necessary to accomplish the object;

Which was received and agreed to.

Mr. Totten, from the same committee,

To whom was referred a resolution of the house,

Instructing the committee to inquire into the expediency of a general law, in conformity with the provisions of the constitution on the subject of emancipating slaves, so that the boards of police of the several counties shall be able to dispose of all cases of emancipation, reported,

That it is inexpedient to legislate further upon the subject;

Which was received and agreed to.

Mr. Totten, from the same committee,

To whom was referred,

The bill, to be entitled,

An act, to amend an act to authorize appeals from the decisions of justices of the peace to the circuit court, approved February 22, 1842, and for other purposes; reported

An amendment to the house,

And recommended that the same be adopted in place of the bill referred to the committee.

The amendment to be entitled,

An act, to regulate the practice in justices courts,

Was read the first time,

And the report received and agreed to.

On motion of Mr. Totten,

The rule was suspended,

The bill read the second time,

And ordered to be engrossed for a third reading to-morrow.

Mr. Totten, from the same committee,

To whom was referred,

A bill to be entitled,

An act, giving power to the circuit and chancery courts to legitamatize bastard children, alter or change names, and for other purposes, reported

Said bill back to the house without amendment,

And recommended its passage;

Which was received and agreed to,

And the bill ordered to be engrossed for a third reading to-morrow.

Mr. Totten, from the same committee,

To whom was referred

The petition of John C. Lucas and Alpha, his wife; reported

A bill, to be entitled,

An act, to legalize the marriage of John C. Lucas and Alpha Strickland, of the county of Covington;

Which was read the first time,

And the report received and agreed to.

On motion of Mr. McAfee,

The rule was suspended,

The bill read the second and third time forthwith,

And passed with its title as stated.

Mr. Allen, from the committee on education,

To whom was referred,

The petition of many citizens of Copiah county, praying the consolidation of the school fund of the 16 section of township 2, in said county; reported,

That it would be inexpedient to grant the prayer of the petitioners, as it would conflict with the system of common schools which has been adopted by said committee;

Which was received,

And on motion of Mr. Harris,

Laid on the table.

Mr. Wade, from the committee on ways and means,

To whom was referred,

The petition of Arthur S. Denton, asking further time to redeem certain lots in the town of Oxford, sold to the state for taxes due thereon; reported,

That it is inexpedient to grant the prayer of the petitioner;

Which was received and agreed to.

Mr. Gilleland, from the committee on elections,

To whom was referred the resolution

Instructing them to inquire into the expediency of so amending the constitution, as to require the election of members of the board of police by their respective districts; reported,

That further legislation on the subject is inexpedient;

And asked to be discharged from its further consideration;

Which was received and agreed to.

Mr. Harris, from the select committee,

To whom was referred,

A bill, to be entitled,

An act, to authorize and empower the probate court of Hinds county to appoint some suitable person or persons, to be guardian

or guardians of John Morrison, of said county, &c., reported the same back to the house with an amendment thereto;

Which was received and agreed to.

On motion of Mr. Harris,

The bill and amendment were considered as engrossed,

Read the third time,

And passed as amended.

Mr. Walker, from the select committee,

To whom was referred,

A senate bill to be entitled,

An act, to define the powers and duties of the board of police of Monroe and Chickasaw counties; reported

The same back to the house, with an amendment thereto;

Which was received and agreed to;

And the amendment ordered to be engrossed.

Mr. Leonard, by leave, introduced

A bill, to be entitled,

An act, to change the time of holding the probate court of Hancock county;

Which was read the first time.

On motion of Mr. Leonard,

The rule was suspended,

The bill read the second and third time forthwith,

And passed with its title as stated.

Mr. Lemly, by leave, introduced

A bill, to be entitled,

An act, to make provisions for digesting the statute laws of this state;

Which was read the first time.

Mr. Allen, by leave, introduced

A bill to be entitled,

An act, to change the mode of electing the members of the board of police of Claiborne county;

Which was read the first time.

Mr. Smyth, of Winston, by leave, introduced

A bill to be entitled,

An act, to amend an act, entitled an act to regulate the mode of obtaining license to sell vinous and spirituous liquors, and for other purposes, approved February 22, 1842;

Which was read the first time.

The following message was received from the Senate, by Mr. Wilcox, their Secretary, viz:

Mr. Speaker—The senate have given leave to the introduction of bills of the following titles:

A bill to be entitled,

An act, to provide for the sale of the 500,000 acres of land, donated to the state of Mississippi, by an act of congress, approved September 4, 1841, and for other purposes;

A bill, to be entitled,

An act, to amend an act, approved February 24, 1844, entitled an act to amend the several acts of limitations, and for other purposes.

The president of the senate has signed acts, originating in that body, of the following titles;

An act, to authorize the judge of the probate court of Pike county to hold the terms of his court in the clerk's office of said county;

An act, to authorize Peter B. Starke to erect a toll bridge across the Noxubee river, at the point at which the road, known as the Robertson road, crosses the same, and for other purposes;

Joint resolutions, pledging the state of Mississippi to the support of the general government, in maintaining the national rights to the Oregon territory;

Which I present to the speaker of the house for his signature.

The senate have concurred in the amendment made by the house, to

A bill of the senate, entitled,

An act, to authorize the board of police in Amite county to create additional districts for the election of justices of the peace in said county.

Mr. Cushman, by leave, introduced

A Bill to be entitled,

An act, to authorize the governor of this state to exchange all laws, reports, and legislative documents, printed by order of the legislature of this state, for those published in other states;

Which was read the first time.

Mr. Sessions, from the joint standing committee, on enrolled bills, reported,

That they have presented to his excellency, the governor, for his

approval and signature.

Bills and resolutions of the following titles:

An act, to change the time of holding the circuit court of Tallahatchie county;

An act, to run the line between the counties of Okotibbeha and Chickasaw;

An act to organize the counties of Perry and Clarke;

An act to incorporate the town of Gainsville;

An act, to change the time of holding the probate court of Lauderdale county;

An act, to detach a portion of the county of Lafayette therefrom, and attach the same to the county of Marshall;

An act, for the benefit of Rufus Ford;

Resolutions of the state of Mississippi,

Instructing our senators, and requesting our representatives in congress to sustain the recommendations of the president of the United States in relation to the public lands, and for other purposes;

Resolutions of the state of Mississippi,

Requesting our senators and representatives in congress to procure patents, &c.

Mr. Campbell, by leave, introduced

A bill, to be entitled,

An act, authorizing probate courts to issue executions against executors, administrators and guardians, &c.;

Which was read the first time.

Mr. Archer offered the following resolutions:

Resolved by the legislature of the state of Mississippi, That his excellency, A. G. Brown, is requested, and hereby authorized, forthwith to offer a reward of three thousand dollars, to be paid out of the state treasury, for the apprehension and delivery of Richard S. Graves (in the city of Jackson, this state) to the proper authorities.

Be it further resolved, That the aforesaid reward shall be in force for the next two years.

Mr. Archer moved for a suspension of the rule;

Which was lost.

Mr. Simrall offered the following resolution:

Resolved by the legislature of the State of Mississippi, That the treasurer be, and he is hereby instructed and directed to receive

from the treasury of the United States, any monies that may be in the same to the credit of this state, as its distributive share of the nett proceeds of the public lands, sold by virtue of the act of congress, approved 4th September, 1841, entitled an act to appropriate the proceeds of the sales of the public lands, and to grant pre-emption rights; and that said monies, when so received, shall be appropriated to aid in the establishment of a system of common schools, or to such other purposes as the legislature may hereafter direct;

Which was read the first time.

Mr. Bynum offered the following resolutions:

1st. *Be it resolved*, (the senate concurring,) That the committee on the penitentiary, be instructed to examine into the charges made against the state of Mississippi, for permanent improvements of whatever kind, and placed to the credit of the superintendent,

And report the same in detail.

2nd. That said committee be instructed to inquire into the validity and amount of the disbursements in the penitentiary by order of the superintendent, or otherwise, and the objects of the same,

And make report of the same in detail.

3rd. That said committee be instructed to inquire into the amount drawn out of the state treasury on account of the penitentiary from the first day of January, 1842, to first day of January, 1846.

4th. *And be it further resolved*, That the auditor of public accounts be required to report to this legislature, to be laid before said committee in detail, the amount that has been audited in his office on account of the penitentiary, during the above period.

5th. That the state treasurer be required to report in like manner, for like purposes, the amount of revenue received into the state treasury from the penitentiary during the same period.

On motion of Mr. Totten,

The rule requiring joint resolutions to lie one day on the table was dispensed with.

And the resolutions adopted.

Mr. Dilworth of Tishemingo, by leave, introduced,

A bill, to be entitled,

An act to repeal in part an act entitled an act to provide for

unding the treasury warrants of the state of Mississippi, issued prior to the 1st day of January, 1841;

Which was read the first time.

Mr. Pendleton, by leave, introduced,

A bill, to be entitled,

An act granting additional powers to the mayor and selectmen of the city of Natchez;

Which was read the first time.

On his motion,

The rule was suspended, the bill read the second and third time forthwith,

And passed with its title as stated.

Mr. Green of Tippah, by leave, introduced,

A bill, to be entitled,

An act to abolish estray sales, and for other purposes;

Which was read the first time.

On motion of Mr. Smyth of Winston,

Resolved, That the committee on the military be further instructed to inquire into the expediency of exempting from road and patrol duty, persons belonging to uniformed volunteer companies in this state, and all who may hereafter become members of such companies, regularly organized and uniformed.

Resolved 2d, That the committee on the military, be further instructed to inquire into the expediency of authorizing the colonels commanding the different rigiments of militia in this state, to fill by appointment, the offices of first and second lieutenants, and ensign, in the several beat companies of his command, in case of the neglect or refusal of said beat companies to elect said officers.

On motion of Mr. Green of Tippah,

Resolved, That the judiciary committee be initructed to inquire into the expediency of so amending the criminal code of this state, as to repeal that portion requiring prosecutors to endorse their names on the indictments. Also, amending the same so as to allow amendments of an indictment when defendants plead misnomer.

Mr. Weathersby offered the following resolutions:

Resolved, That the judiciary committee be instructed to inquire into the expediency of so amending the constitution, as to give

jurisdiction to justices of the peace in all cases, where the principal does not exceed $100,

And that they report by bill or otherwise.

Resolved, That the judiciary committee be instructed to inquire into the expediency of so amending the laws as to authorize sheriffs, and other officers to apprehend fugitives from justice, in any county in this state, whether in the county in which said officer may reside or not, without having the warrant renewed by a justice of the peace in the county where said fugitive may be found, and report by bill or otherwise.

Resolved, That the judiciary committee be instructed to inquire into the expediency of so amending the laws in relation to justices of the peace as to confine their jurisdiction in all civil cases, to the justices beat in which they may reside,

And report by bill or otherwise;

Which was adopted.

On motion of Mr. Lemley,

Resolved, That the judiciary committee be instructed to inquire into the expediency of providing by law for some mode of selecting persons to serve as grand jurors.

Mr. Singleton, by leave, introduced,

A bill, to be entitled,

An act to authorize the judges of the circuit courts of this state, to hold special terms in certain cases;

Which was read the first time.

On motion of Mr. Moody,

Resolved, That the select committee to whom was referred that part of the governor's message relating to the Newton and Lauderdale turnpike coupany, have power granted to send for men and papers.

On motion of Mr. Abbott,

Resolved, That the auditor of public accounts be, and he is hereby requested to furnish the house of representatives with a statement showing the aggregate amount of the assessment roll of each county, with specifications under the appropriate heads of the various articles assessed.

Mr. Metcalf offered the following resolution:

Resolved, (the senate concurring,) That the sergeant-at-arms be required to remove from the capitol all articles or commodities

of traffic or for sale, together with the venders of the same, to the end, that this state capitol shall not be used as a market house or grocery.

Be it further resolved, That it be the duty of said sergeant, to attend to this business from day to day, during the session of the legislature;

Which by rule, lies one day on the table.

On motion of Mr. Bynum,

Resolved, That the standing committee on the judiciary be instructed to inquire into the propriety and expediency of demanding of the treasurer of the United States, all monies due the state of Mississippi, on account of the two and three per cent. funds,

And report by bill or otherwise.

Mr. Emanuel offered the following resolution:

Resolved, That a joint standing committee on public buildings, consisting of five members on the part of the house and ——— members on the part of the senate, be appointed.

On motion of Mr. Emanuel,

The rule requiring joint resolutions to lie one day on the table, was suspended,

And the resolution adopted.

The chair appointed on the part of the house,

Messrs. Emanuel, Spann, Farrar, Rogers and Huie.

The special order to be entitled,

An act to authorize the selling of the real estate of Benjamin F. Herbert, deceased,

Was read the third time, and passed with its title as stated.

The special order, entitled,

An act to authorize B. W. Beard, guardian, to remove the personal property of his wards out of the state, &c.;

Was read the third time,

And passed with its title as stated.

The senate bill, entitled,

An act amendatory of an act allowing fees to sheriffs and constables in certain cases;

Was read the first time.

The senate memorial to the congress of the United States,

Was read the first time.

On motion of Mr. Cushman,

The house concurred in the amendment made by the senate, to the amendments made by the house, to

A bill from the senate, entitled,

An act explanatory of an act for the incorporation of the university of Mississippi, approved February 24, 1844.

The house bill, entitled,

An act prescribing the mode of collecting costs in certain cases, and for other purposes;

Was read the second time.

Mr. Green of Hinds, offered the following amendment; viz:

Amend section 1st, by adding:

Provided, however, That this section shall not be construed to apply to the officers of court, but they shall in all cases be authorized to require from the party or parties, for whom any service or services may be performed, the fee or fees for such services at the time of the performance of the same, unless such party or parties shall make a sufficient deposit with the clerk of the court to meet the costs due from such party or parties, or give security to be approved by the court, to pay such costs, as said party or parties may be chargeable with, by the judgment or decree of the court in which the suit may be pending.

Mr. Green of Tippah, moved the rejection of the amendment.

The question was taken on rejection,

And decided in the affirmative by yeas and nays, as follows:

Those who voted in the affirmative, are,

Mr. Speaker, Messrs. Abbott, Beene, Berry of Tippan, Buford, Bynum, Campbell, Cannon, Chambers, Connell, Cowan, Cypert, Dilworth of Monroe, Dilworth of Tishemingo, Foster, Frost, Gibbs, Gilleland, Green of Tippah, Griffin, Guy, Harris, Harrison, Hinds, Holleman, Hughes, Hyneman, Kennedy, Malone, Martin, Maxcy, McCaughan, McNabb, Metcalf, Millsaps, Moody, Moore, Pettus, Potts, Randall, Robertson, Simmons, Singleton, Smyth of Winston, Stewart, Thompson, Totten Walker, Warren, Weathersby and York—51.

Those who voted in the negative, are:

Messrs. Adams, Allen, Bailey, Beaty, Binford, Brooks, Carson, Chewning, Emanuel, Ewing, Farrar, Fontaine, Fowles, Green of Hinds, Head, Leigh, Lemly, Leonard, Loper, May, McInnis, Nash, Netterville, Pendleton, Pope, Rogers, Rossman, Rushing, Ses-

sions, Sharkey, Simrall, Smiley, Smith of Washington, Torrey, Wade and White—36.

Mr. Green of Hinds, moved

That the bill be made the special order of the day in committee of the whole, on to-morrow, at 12 o'clock;

Which was lost.

Mr. Harris offered the following amendment;

SEC. 1. *Be it enacted*, That the provisions of this act shall not apply to witnesses fees, but that all witnesses attending under subpœna, shall have a right to demand and receive the fees from the party at whose instance he, she or they were subpœnaed, at the end of each and every day he, she or they shall have attended;

Which was adopted.

On motion of Mr. Totten,

The bill and amendment were ordered to be engrossed,

And made the special order of the day, for to-morrow at 12 o'clock.

The following message was received from his excellency the governor by Mr. Nicholson, his private secretary:

MR. SPEAKER—I am instructed by his excellency the governor, to inform the house of representatives, that he has this day approved and signed acts of the following titles:

An act for the benefit of Rufus Ford;

An act to organize the counties of Perry and Clarke;

An act to detach a portion of the county of Lafayette therefrom, and attach the same to the county of Marshall, and for other purposes;

An act to run the line between the counties of Chickasaw and Oktibbeha;

An act to change the time of holding the probate court in the county of Lauderdale;

An act to incorporate the town of Gainesville, in the county of Hancock;

All of which originated in the house of representatives.

Also, an act to change the time of holding the circuit court in Tallahatchie county;

Which originated in the senate.

Also, resolutions of the legislature of the state of Mississippi, instructing our senators, and requesting our representatives in the

congress of the United States, to sustain the recommendations of the president of the United States, in relation to the public lands, and for other purposes;

Also, a resolution of the legislature of the state of Mississippi, requesting our senators and representatives to procure patents.

The house bill, to be entitled,

An act to remove the civil disabilities of W. B. Taylor;

Was read the second time; and,

On motion of Mr. Farrar,

Ordered to be engrossed,

And made the special order of the day for a third reading on to-morrow, at 1 o'clock.

A bill, to be entitled,

An act to increase the fees of certain officers in Tunica county;

Was read the second time,

And ordered to be engrossed for a third reading on to-morrow.

The bill, entitled,

An act to incorporate Tappan lodge No. 59, of free and accepted masons;

Was read the second time,

And ordered to be engrossed for a third reading to-morrow.

The bill, to be entitled,

An act to divide police districts, known as the south-western district in Yalobusha county, into two separate magistrates districts, &c.;

Was read the second time,

And ordered to be engrossed for a third reading to-morrow.

The house bill, entitled,

An act in relation to the reporter of the high court of errors and appeals;

Was read the second time; and,

On motion of Mr. Lemly,

Made the special order of the day for committee of the whole, on Saturday next at 12 o'clock.

The bill, entitled,

An act for the relief of Abner W. Crider, of Copiah county;

Was read the second time,

And ordered to be engrossed for a third reading on to-morrow.

The following message was received from the senate, by Mr. Wilcox, their secretary:

Mr. Speaker—The senate have passed bills from the house of representatives of the following titles:

A bill, to be entitled,

An act to repeal an act approved 26th January, 1844, entitled an act to repeal an act incorporating the town of North Mount Pleasant, and for other purposes;

And to revive an act approved 20th February, 1838, entitled an act to incorporate the town of North Mount Pleasant, and for other purposes;

A bill, to be entitled,

An act for the relief of Wm. Morris.

The senate have passed a bill of the following title:

A bill, to be entitled,

An act for the relief of Isaac Chrisman, and for other purposes;

In which I am instructed to desire the concurrence of the house of representatives.

The bill, entitled,

An act authorizing the mayor and aldermen of the city of Jackson to erect a bridge across Pearl river;

Was read the second time, and,

On motion of Mr. Farrar,

Referred to the committee of the whole house,

And made the special order of the day for Monday next at 12 o'clock.

The bill entitled,

An act to emancipate certain slaves therein named;

Was read the second time;

Which Mr. Pendleton, by leave, withdrew.

The following communication was received from the commissioner of public buildings:

Office of Commis'r of Public Buildings,
Jackson, January 22, 1846.

To the Hon. James Whitfield, Speaker of the House of Representatives:

Sir: I had the honor, on the evening of the 20th inst., to receive from the house of representatives, over which you preside, the following resolution:

Resolved, That the commissioner of public buildings be requested to furnish this house with a statement of all contracts entered into by him, in behalf of the state, for the last two years;

To which I ask leave to reply.

The document marked "A," presents the contracts entered into, and their final payment, as well as the appropriation made at the January session, 1844.

The painting could not be contracted for, at the sum estimated by the state architect, and I ventured, under the exigencies of the case, to transfer the unexpended balance of the appropriation for the capitol, to this act. The legislature was governed in the appropriation, by the estimate of the state architect, who admitted the inadequacy of his estimate.

If the painting had not been executed until a new appropriation could be made, great injury must have been the result.

The governor had contracted with J. H. Kerr to enclose his garden, and do other work on the premises, preparatory to gardening, &c., before the passage of the law, making the appropriation, for which Mr. Kerr was paid one hundred dollars. This is also embraced in this account.

The repairing fund is placed by law, under my discretion, and to be applied to the repair of the public buildings; I therefore believed myself justified in making the payment from this fund, to the repair of the executive mansion, and thus this account stands balanced.

Document marked "B," exhibits the contracts, with whom made, and their payment.

Document marked "C," shows the receipts and expenditures on account of the repairing fund.

Document marked "D," shows the sum expended in carrying into effect the law, in relation to the securing of the auditor's and treasurer's offices.

Document marked "E," exhibits the cost of putting Franklin rods to the state capitol and executive mansion. All of which is respectfully submitted.

I have the honor to be, &c.,

[signed,] W. CLARK,

Com. of P. B.

January 22, 1846.

The commissioner of public buildings, would ask leave to avail himself of this opportunity, of representing to the legislature, that he has discharged the duties of commissioner of public buildings for nearly three years, without any compensation having been made to him for the same. The duties discharged, are onerous and important, entirely disconnected with the office of treasurer, to which he was elected by the freemen of the state; may he therefore indulge the hope, that such allowance may be made him, as you, in your judgment may think adequate and just.

Respectfully, your ob't serv't,

W. CLARK,
Com. P. B.

Mr. Cannon, by leave, was permitted to withdraw certain papers.

The bill, entitled,

An act to declare the embezzling and unlawful using of the public money in this state, to be felony, and for other purposes,

Was read the second time;

And ordered to be engrossed for a third reading on to-morrow.

On motion of Mr. Warren,

The house adjourned.

FRIDAY, JANUARY 23, 1846.

The House met pursuant to adjournment;

And its deliberations were opened with prayer by the Rev. Mr. Taylor of the city of Jackson.

Mr. McCaughan presented the claim of Eliza W. Rainey, accompanied with a petition;

Which was referred to the committee on claims.

Mr. Greaves presented the claim of James C. Forrest;

Which was referred to the committee on claims.

Mr. Wade presented the petition of Benjamin S. Tipton;

Which was referred to a select committee of three, consisting of Messrs. Wade, Gilleland and Beaty.

Mr. Ewing presented the petition of sundry citizens of Madison county;

Which was referred to a select committee of three, consisting of Messrs. Ewing, White and Singleton.

Mr. Gibbs presented the claim of Lewellen Patrick;

Which was referred to the committee on claims.

Mr. Green of Tippah presented the petition of sundry citizens of the town of Salem in said county;

Which was referred to the committee on incorporations.

Mr. Totten, from the judiciary committee, to whom was referred sundry resolutions of the house, instructing the committee to inquire into the expediency of repealing an act, entitled,

An act to amend an act to regulate the liens of judgments and decrees, approved 24th February, 1844;

Or of so amending the same, as to compel the clerk upon applications of plaintiffs, their agents, &c., to enrol judgments or decrees within a specified time after adjournment of court, and to make the liens of such judgments and decrees enrolled within said specified time, operate from the day they were rendered;

Also, to amend the 9th section thereof, so as to require the sheriffs or other officers making money by sale of property under execution, to apply the money to the execution under which the property was sold; reported,

A bill, to be entitled,

An to amend an act to regnlate the liens of judgments and decrees, approved the 16th of February, 1841, and for other purposes, approved 24th February, 1844;

Which was read the first time,

And the report received and agreed to.

On motion of Mr. Totten,

The rule was suspended,

The bill read the second time,

And ordered to be engrossed for a third reading on to-morrow.

Mr. Sessions, from the joint standing committee on enrolled bills, reported,

That they have examined,

An act to repeal an act, approved 26th January, 1844, entitled, an act to repeal an act incorporating the town of North Mount Pleasant, and for other purposes;

And to revive an act, approved the 2d February, 1838, entitled,

an act to incorporate the town of North Mount Pleasant, and for other purposes;

An act for the relief of William Morris;

An act for the establishment of the seminary of learning in the city of Jackson;

And have found the same correctly enrolled.

Mr. Totten, from the judiciary committee, to whom was referred,

A bill, to be entitled,

An act to amend the laws of this state in relation to bail in criminal cases,

Reported said bill back to the house without amendment, and recommended its passage;

And asked to be discharged from its further consideration;

Which was received and agreed to;

And the bill ordered to be engrossed for a third reading on to-morrow.

Mr. Totten, from the same committee, to whom was referred,

A senate bill, entitled,

An act for the relief of Thomas F. Collins;

Reported the same back to the house without amendment, recommended its passage,

And asked to be discharged from its further consideration;

Which was received and agreed to;

The bill read the third time,

And passed with its title as stated.

Mr. Totten, from the same committee,

To whom was referred the petition of Anderson Hutchinson, praying for the passage of a law authorizing the emancipation of certain slaves therein mentioned, reported,

That it is inexpedient to grant the prayer of the petitioner;

Which was received and agreed to.

Mr. Connell, from the joint standing committee on claims, to whom was referred the petition of sundry citizens of Madison county,

Reported the same back to the house as being improperly referred,

And asked to be discharged from its further consideration;

Which was received and agreed to.

Mr. Connell, from the same committee, to whom was referred,

A bill, to be entitled,

An act to provide for the payment of the expenses for transcribing the records of the county of Issaquena; reported.

That it is inexpedient to pass such a bill, it being properly a county charge,

And asked to be discharged from its further consideration;

Which was received.

The question was then taken on agreeing to the report,

And decided in the affirmative by yeas and nays, as follows:

Those who voted in the affirmative, are,

Mr. Speaker, Messrs. Abbott, Archer, Bailey, Beene, Berry of Simpson, Berry of Tippah, Bynum, Campbell, Cannon, Chambers, Connell, Cowan, Crain, Dilworth of Monroe, Dilworth of Tishemingo, Farrar, Fontaine, Frost, Gibbs, Gilleland, Green of Tippah, Griffin, Guy, Harris, Hinds, Holleman, Hughes, Huie, Hyneman, Kennedy, Loper, Malone, Martin, Maxcy, Metcalf, Millsaps, Moody, Moore, Potts, Robertson, Simmons, Singleton, Smyth of Winston, Stewart, Thompson, Totten, Walker, Warren, Weathersby and York—51.

Those who voted in the negative, are,

Messrs. Adams, Alcorn, Allen, Beaty, Binford, Brooks, Buford, Carson, Chewning, Cushman, Emanuel, Ewing, Foster, Fowles, Greaves, Green of Hinds, Harrison, Head, Leigh, Lemly, Leonard, McAfee, McCaughan, McDonald, McInnis, McNabb, Nash, Netterville, North, Pendleton, Pettus, Pope, Randall, Rogers, Rushing, Sessions, Sharkey, Simrall, Smiley, Smith of Washington, Torrey, Wade and White—42.

Mr. Metcalf, from the select committee, to whom was referred the petition of sundry citizens ot Scott county, reported,

A bill, to be entitled,

An act to legalize the sale and purchase of the 16th section of township 7, range 9, east, lying in Scott county, Mississippi, which section was sold on the 25th November, 1839, and purchased by John C. Thomas, Jesse Thomas, Joshua Floyd and T. M. Patrick, not jointly but severally;

Which was read the first time,

And the report received and agreed to.

On motion of Mr. Metcalf,

The rule was suspended,

The bill read the second and third time forthwith.

And passed with its title as stated.

Mr. Singleton, from the select committee, to whom was referred the petition of Richard Rice and others, praying to be made heirs and legal representatives of their deceased kinsman, Edmund Rice, a foreigner, reported,

A bill, to be entitled,

An act to regulate the descent and distribution of the estate of Edmund Rice, deceased, a foreigner;

Which was read the first time,

And the report received and agreed to.

On motion of Mr. Singleton,

The rule was suspended,

The bill read a second time,

And made the special order of the day for Tuesday next at 12 o'clock.

Mr. Harris, from the committee, to whom was referred the claims of Wm. Roberts and L. C. Leland; reported,

A bill, to be entitled,

An act for the benefit of Wm. Roberts and L. C. Leland;

Which was read the first time,

And the report received and agreed to.

On motion of Mr. Harrison,

The rule was suspended,

And the bill read the second time.

On motion of Mr. Cushman,

The bill was made the special order of the day for committee of the whole, on to-morrow at half-past one o'clock.

Mr. Pettus, from the committee, to whom was referred a bill for the relief of Tilman Mitchell, late sheriff of Kemper county,

Reported the same back to the house with an amendment;

Which was received and agreed to,

And the bill, as amendmed, read the second time.

On motion of Mr. Pettus,

The bill, as amended,

Was ordered to be engrossed, and made the special order of the day for Tuesday next at 1 o'clock.

Mr. Berry of Simpson gave notice, that he would, on some future day,

Ask leave to introduce,

A bill, to be entitled,

An act to abolish the per diem of probate judges, and for other purposes.

Mr. Ewing, from the select committee, to whom was referred the petitions of J. F. Griffin and Wm. R. Hudnall, reported,

A bill, to be entitled,

An act to dispense with the time prescribed by law for Josephus F. Griffin and Wm. R. Hudnall of Madison county, attaining the age of majority;

Which was read the first time,

And the report received and agreed to.

Mr. Singleton moved for a suspension of the rules;

Which was lost.

Mr. Sharkey, by leave, introduced,

A bill to be entitled,

An act to authorize the judges of the circuit court of the State of Mississippi to grant certain remedial writs;

Which was read the first time.

Mr. Wade, by leave, introduced,

A bill, to be entitled,

An act to provide for the sale of lands belonging to the sinking fund for Planters' bank bonds, and for other purposes;

Which was read the first time.

Mr. Wade moved for the suspension of the rules;

Which was lost.

On motion of Mr. Dilworth of Tishemingo,

The resolution relative to calling the roll for the presentation of petitions, &c., only on Tuesday and Thursday mornings;

Also, the resolution heretofore passed by this house, declaring that upon an adjournment it should not meet again until the next legislative day, be and the same is hereby rescinded;

Was called from the table.

A division of the question was had and the first resolution adopted.

The question then recurred on the adoption of the second resolution.

Before the question was taken;

On motion of Mr. McAfee,

The second resolution was laid on the table.

Mr. White, by leave, introduced,

A bill, to be entitled,

An act prescribing the time for holding the probate court of Issaquena county, and for other purposes therein mentioned;

Which was read the first time.

On his motion,

The rule was suspended,

The bill read the second and third time forthwith,

And passed with its title as stated.

Mr. Harris offered the following resolution;

Resolved, That the committee on military affairs be allowed a clerk for two days;

Which was adopted.

Mr. Greaves gave notice that on to-morrow, or some subsequent day, he would ask leave to introduce,

A bill, to be entitled,

An act amendatory and explanatory of an act to designate in what manner and in what courts, suit shall be brought against the State of Mississippi, approved February 15th, 1843.

The special order, entitled,

An act prescribing the mode of collecting costs, and for other purposes;

Was read the third time.

The question was then taken on the passage of the bill,

And decided in the negative by yeas and nays, as follows:

Those who voted in the affirmative, are,

Mr. Speaker, Messrs. Abbott, Beene, Berry of Tippah, Berry of Simpson, Buford, Campbell, Cannon, Chambers, Connell, Cowan, Crain, Cushman, Dilworth of Monroe, Dilworth of Tishemingo, Gibbs, Gilleland, Green of Tippah, Griffin, Guy, Harris, Harrison, Hinds, Hughes, Huie, Hyneman, Kennedy, Leigh, Malone, McAfee, McCaughan, McNabb, Metcalf, Millsaps, Moore, Potts, Robertson, Singleton, Smyth of Winston, Totten, Walker, Warren, Weathersby and York—44.

Those who voted in the negative, are,

Messrs. Alcorn, Allen, Archer, Bailey, Beaty, Binford, Brooks, Bynum, Carson, Chewning, Cypert, Emanuel, Ewing, Farris, Fontaine, Foster, Fowles, Frost, Greaves, Green of Hinds, Head,

Holleman, Lemly, Leonard, Loper, May, McInnis, Nash, Netterville, North, Pendleton, Pettus, Pope, Rogers, Rushing, Sessions, Sharkey, Simrall, Simmons, Smiley, Smith of Washington, Stuart, Torrey, Wade and White—45.

The following message was received from the senate by Mr. Wilcox, their secretary:

Mr. Speaker—The senate have given leave to the introduction of bills of the following titles, viz:

A bill, to be entitled,

An act to provide for the payment of debts due for the state library, and for an interchange of books between this state and the several states of the union;

A bill, to be entitled,

An act to provide for cases where no executor or administrator will qualify under a will;

A bill, to be entitled,

An act to permit judicial officers to absent themselves from this state;

A bill, to be entitled,

An act amendatory of an act, entitled, an act to reduce the expenditures of the government of the State of Mississippi, approved February 14th, 1842;

A bill, to be entitled,

An act to authorize the president and selectmen of the town of Macon to make titles to the south half of fractional block seven in said town;

A bill, to be entitled,

An act to amend the laws of this state in relation to free negroes and mulattos;

A bill, to be entitled,

An act to repeal a part of an act to enable creditors to settle separately with debtors jointly;

A bill, to be entitled,

An act to provide for allowance and payment of the claims of physicians for medical services rendered in certain cases;

A bill, to be entitled,

An act to change the name of Sarah Jane Kendall to that of Sarah Jane Oakley;

A bill, to be entitled,

An act to supply certain officers in Itawamba county with the statutes of this state.

The senate have concurred in the amendments, made by the house of representatives to a bill from the senate,

To be entitled,

An act to define the powers and duties of the board of police of Monroe and Chickasaw counties.

The senate have refused to concur in the joint resolution of the house of representatives, instructing the committee on the penitentiary to examine into the charges made against the State of Mississippi for permanent improvements of whatever kind, and placed to the the credit of the superintendent; also instructing them to inquire into the validity and amount of the disbursements in the penitentiary, by order of the superintendent or otherwise, and to inquire into the amount drawn out of the state treasury on account of the penitentiary, from 1st January, 1842, to the 1st January, 1844;

Also the joint resolutions requiring the auditor of public accounts to report to the legislature, to be laid before said committee, the amount that has been audited in his office on account of the penitentiary during the above period;

Also the resolution requiring the state treasurer to report in like manner, for like purposes, the amount of revenue received into the state treasury from the penitentiary.

The senate have passed bills from the house of representatives, of the following titles:

A bill, to be entitled,

An act for the benefit and protection of Adelia V. Elkin, administratrix of the estate of Thomas W. Elkin, deceased, of Monroe county;

A bill, to be entitled,

An act to change the name of Penyna Wilson to that of Penyna Leech;

A bill, to be entitled,

An act to authorize Bythell H. Beard, guardian, to remove the property of his wards out of this state, and for other purposes;

A bill, to be entitled,

An act to incorporate the town of Black Hawk in the county of Carroll;

A bill, to be entitled,

An act to incorporate Silas Brown lodge, No. 65, of free and accepted masons;

And have made sundry amendments thereto;

In which I am instructed to desire the concurrence of the house of representatives.

The special order, entitled,

An act to remove the civil disabilities of B. W. Taylor;

Was read the third time,

And passed with its title as stated.

The bill entitled,

An act to repeal an act regulating the practice of circuit courts;

Was read the second time; and,

On motion of Mr. Pendleton,

Referred to the committee on the judiciary.

The bill entitled,

An act to revive an act, entitled, an act to incorporate the Eagle rail road and lumber company;

Was read the second time,

And ordered to be engrossed for a third reading on to-morrow.

The bill entitled,

An act to change the name of Elizabeth Vines to that of Elizabeth George Wilson;

Was read the second and third time,

And passed with its title as stated.

The bill entitled,

An act to repeal an act to prohibit the introduction of slaves into this state, &c.;

Was read the second time; and,

On motion of Mr. Simrall,

Ordered to be engrossed,

And made the special order of the day for 12 o'clock on Wednesday next.

The bill entitled,

An act to change the time of holding the probate court in the county of Jasper;

Was read the second time, and ordered to be engrossed for a third reading to-morrow.

The bill entitled,

An act to extend the remedy by attachment and garnishment, approved February 23d, 1844;

Was read the second time, and,

On motion of Mr. Cushman,

Was referred to the committee on the judiciary.

The bill entitled,

An act for the relief of William Brown;

Was read the second time, and,

On motion of Mr. Cannon,

Referred to the committee on claims.

The bill entitled,

An act to incorporate Sterling lodge, No. 4, of free and accepted masons;

Was read the second time,

And ordered to be engrossed for a third reading on to-morrow.

The bill entitled,

An act to amend an act, approved 23d February, 1844, amending the act incorporating the town of Houston in the county of Chickasaw;

Was read the second time, and,

On motion of Mr. Walker,

Ordered to be engrossed,

And made the special order of the day for Thursday next at 10 o'clock.

On motion of Mr. Green of Hinds,

The house concurred in the amendment made by the senate to

The house bill, entitled,

An act to incorporate Silas Brown lodge, No. 65, of free and accepted masons.

The senate bill entitled,

An act for the relief of Isaac Chrisman, and for other purposes;

Was read the first time.

On motion of Mr. Green of Hinds,

The rule was suspended,

The bill read the second time,

And referred to the committee on claims.

The house bill, entitled,

An act to amend an act, entitled, an act to regulate elections in this state, approved March 2d, 1863;

Was read the second time,

And referred to the committee on elections.

The bill entitled,

An act to provide for a geological survey of the state;

Was read the second time, and,

On motion of Mr. Lemly,

Referred to the committee of the whole house on Tuesday next.

The bill entitled,

An act authorizing John B. Nevitt and others to raise twenty thousand dollars by lottery;

Was read the second time,

And ordered to be engrossed for a third reading on to-morrow.

The bill entitled,

An act to authorize the same person to hold both the offices of circuit and probate courts in Sunflower county;

Was read the second and third time,

And passed with its title as stated.

The senate bill entitled,

An act to incorporate the town of Benton in the county of Yazoo;

Was read the second time.

Mr. North moved a suspension of the rules;

Which was lost.

The senate bill, entitled

An act to amend an act entitled, an act to amend the several acts of limitation, approved 24th February, 1844;

Was read the second time,

And ordered for a third reading on to-morrow.

The senate bill entitled,

An act to regulate the practice of the circuit court in criminal cases;

Was read the second time,

And ordered for a third reading on to-morrow.

On motion of Mr. Connell,

Resolved, That the judiciary committee be instructed to enquire into the expediency and propriety of defining by law some uniform rule in the allowance of claims against the state, and to regulate

the rules in barring or limiting the time in which accounts shall be preferred against the state.

Mr. Allen offered the following resolution:

Resolved, That a select committee of three be appointed, whose duty it shall be to wait upon his excellency the governor, and request of him all the correspondence between himself and Robert J. Walker, in relation to the appointment of a United States senator, to fill the vacancy occasioned by the resignation of the said Robert J. Walker, and that said committee report the same to this house at its earliest convenience.

Mr. Maxcy moved to lay the resolution on the table;

Which was decided in the negative by yeas and nays, as follows:

Those who voted in the affirmative, are,

Mr. Speaker, Messrs. Abbott, Berry of Simpson, Berry of Tippah, Brooks, Buford, Bynum, Carson, Chambers, Connell, Cowan, Crain, Dilworth of Monroe, Farrar, Frost, Gilleland, Green of Tippah, Griffin, Guy, Harrison, Hinds, Holleman, Hughes, Huie, Hyneman, Leigh, Malone, Maxcy, McAfee, McCaughan, McDonald, Moody, Pettus, Potts, Randall, Robertson, Smyth of Winston, Walker, Warren, Weathersby and York—41.

Those who voted in the negative, are,

Messrs. Allen, Archer, Bailey, Beaty, Binford, Campbell, Cannon, Chewning, Cushman, Cypert, Dilworth of Tishemingo, Emanuel, Ewing Fontaine, Foster, Fowles, Gibbs, Greaves, Green of Hinds, Harris, Head, Kennedy, Lemly, Leonard, Loper, Martin, May, McInnis, McNabb, Metcalf, Millsaps, Moore, Netterville, North, Pendleton, Pope, Rogers, Rushing, Sessions, Sharkey, Simmons, Simrall, Singleton, Smiley, Smith of Washington, Stuart, Torrey, Totten, Wade and White—50.

Mr. Totten offered the following amendment to the resolution, viz:

Amend by adding the word "official" before correspondence;

Which was adopted.

Mr. Campbell offered the following amendment:

Be it further resolved, That in the opinion of the legislature, Gov. Brown should accompany the correspondence with a statement of the instructions given by him to Dr. Tate, the agent of

the commission to Washington city, with such other explanations as he may deem proper;

Which was adopted.

The question was then taken on the adoption of the resolution, as amended,

And decided in the affirmative.

The speaker appointed Messrs. Allen, Sharkey and Harris said committee on said resolution.

Mr. Singleton was granted leave of absence until Tuesday next.

Mr. Bynum moved a reconsideration of the vote taken on the passage of the bill prescribing the mode of collecting costs.

Pending said motion, the house,

On motion of Mr. Harris,

Adjourned.

SATURDAY, JANUARY 24, 1846.

The house met pursuant to adjournment;

And its deliberations were opened with payer by the Rev. L. J. Halsey.

The following message was received from the senate, by Mr. Wilcox their secretary:

MR. SPEAKER—The senate have passed a memorial to the congress of the United States;

And have passed bills of the following titles:

A bill, to be entitled,

An act to attach a portion of the county of Yazoo to the county of Warren;

A bill, to be entitled,

An act to attach the counties of Tippah and Pontotoc to the district chancery court at Fulton;

A bill, to be entitled,

An act to establish an inferior court of chancery in the southron part of the state;

A bill, to be entitled,

An act to authorize the probate court of Claiborne county to erect toll bridges;

A bill, to be entitled,

An act to amend the several laws of the state, in relation to courts of probates;

In which I am instructed to desire the concurrence of the house of representatives.

The senate have concurred in the joint resolutions of the house, appointing a joint standing committee on public buildings, consisting of five members on the part of the house, and ——— on the part of the senate, be appointed, and have filled up said blank with No. 3, and have appointed on the part of the senate, Messrs. Fox, Stewart and Johnson.

The president of the senate has signed acts originating in the house of the following titles:

An act for the relief of William Morris;

An act to repeal an act, approved 26th January, 1844, entitled an act to repeal an act incorporating the town of North Mount Pleasant, and for other purposes; and to revive an act, approved 2nd February, 1838, entitled an act to incorporate the town of North Mount Pleasant, and for other purposes;

Also, an act originating in the senate, of the following title:

An act for the establishment of a seminary of learning in the city of Jackson;

Which I present to the speaker for his signature.

Mr. Totten, from the judiciary committee to whom was referred the messrge of the executive, in relation to a sum of money claimed to be due to the state of Mississippi from the U. States, reported a preamble and resolution authorizing the executive to demand payment of the same;

Which was read the first time, and the report received and agreed to.

On motion of Mr. Totten,

The rule was suspended, the preamble and resolution read the second and third time, and forthwith passed.

Mr. Wade, from the committe to whom was referred the bill entitled an act to change the mode of assessing taxes, &c., reported unfavorably to the bill;

Which was received and agreed to.

Mr. Greaves, from the select committee, to whom was referred the petition of john A. Cotton, reported,

A bill, to be entitled,

An act for the relief of John A. Cotton, and for other purposes;

Which was read the first time, and the report received and agreed to.

Mr. Cushman offered the following resolution:

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of so altering the constitution of this state, as to require the judges of the high court of errors and appeals to hold a term of their court annually at some point in the northern part of this state;

Which was lost.

Mr. Randall from the select committee, to whom was referred the claims of Alfred E. Lewis, reported,

A bill, to be entitled,

An act for the relief of Alfred E. Lewis, sheriff of Jackson county;

Which was read the first time, and the report received and agreed to.

Mr. White, from the joint standing committee on enrolled bills, reported that they have examined,

An act to incorporate the town of Black Hawk, in the county of Carroll;

An act to authorize B. H. Beard, guardian, to remove the property of his wards out of this state, and for other purposes;

An act to change the name of Penyna Wilson to that of Penyna Leech;

An act for the benefit and protection of Adelia V. Elkin, administratrix of the estate of Thomas W. Elkin, deceased, of Monroe county;

Which originated in the house of representatives.

Also, an act for the relief of Thomas F. Collins;

An act supplementary to an act for the incorporation of the University of Mississippi, approved Feb. 24, 1844.

An act to define the powers and duties of the board of police of Monroe, Chickasaw and Noxubee counties;

And have found the same correctly enrolled.

Mr. Ewing, by leave, introduced,

A bill, to be entitled,

An act to amend an act to incorporate the Canton and Jackson rail road company;

Which was read the first and second time,

And ordered to be engrossed for a third reading on Monday.

On motion of Mr. McNabb,

Resolved, That the ladies be invited to take seats within the bar of this house.

Mr. Pendleton offered the following resolution:

Resolved, That it is inexpedient to amend the revenue laws of this state, with a view to reduce the rate of taxation generally.

Mr. Moore moved to indefinitely postpone the resolution;

Which was carried.

Mr. Archer moved to call from the table the resolution relative to offering a reward for R. S. Graves;

Which was lost.

Mr. Bailey moved to reconsider the vote on agreeing to the report of the committee on claims, to whom was referred,

A bill, to be entitled,

An act to provide for the payment of the expenses of transcribing the records for the county of Issaquena;

Which was lost.

The following message was received from the senate by Mr. Wilcox their secretary:

Mr. Speaker—The senate have given leave to the introduction of bills of the following titles:

A bill, to be entitled,

An act to amend the 29th section of the 20th chapter of Howard & Hutchinson's digest;

A bill, to be entitled,

An act to declare Quinn's or Tompkins' bayou, and the bayou known as dry bayou navigable streams;

And have passed bills from the house of representatives of the following titles:

A bill, to be entitled,

An act to authorize and require the trustees of schools and school lands, in the city of Columbus, in township 18 south, of range 18 west, to execute deeds to lots of less dimensions than one fourth of an acre, and for other purposes;

A bill, to be entitled,

An act to amend an act of the Mississippi territory of March 10, 1843, revised and amended by an act of December 9, 1809,

incorporating the city of Natchez, and the several acts, supplemental thereto;

A bill, to be entitled,

An act in relation to the bonds of coroners.

The Senate have passed a bill of the following title:

A bill, to be entitled,

An act to repeal the forthcoming bond law, and for other purpose;

In which I am instructed to desire the concurrence of the house of representatives.

On motion of Mr. Baily,

The house adjourned.

MONDAY, JANUARY 26, 1846.

The house met pursuant to adjournment;

And its deliberations were opened with prayer by the Rev. Dr. Leavel, of Jackson.

Mr. Totten, from the judiciary committee,

To whom was referred sundry resolutions of the house,

Instructing the committee to inquire into the expediency of so amending the criminal code of this state as to repeal that portion requiring prosecutors' names to be endorsed on indictments; and also, of so amending the same as to allow amendments of indictments where the defendant pleads misnomer; also, a resolution, requiring the committee to inquire into the expediency of providing by law some mode of selecting persons to serve as grand jurors, reported unfavorable to the same;

Which was received and agreed to.

Mr. Potts, by leave, introduced

A bill, to be entitled,

An act, to amend in part the revenue laws of this state, and for other purposes;

Which was read the first and second time, and referred to the committee on ways and means.

Mr. Millsaps, by leave, introduced

A bill to be entitled,

An act to change the mode of collecting revenue of hawkers and pedlars;

Which was read the first time.

On motion of Mr. Millsaps,

The rule was suspended, the bill read the second time and referred to the committee on ways and means.

Mr. Metcalf, by leave, introduced

A bill to be entitled,

An act, providing for the payment of returning officers, judges and clerks of elections;

Which was read the first and second time, and referred to the committee on ways and means.

Mr. Simmons, from the committee on enrolled bills, made the following report:

Mr. Speaker—The joint standing committee on enrolled bills have this day presented to his excellency, the governor, bills of the following titles for his approval;

An act to authorize Peter B. Starke to erect a toll bridge across the Noxubee river, at the point at which the road, known as the Robertson road, crosses the same, and for other purposes;

An act, to repeal an act, approved January 26th, 1844, entitled an act to repeal an act incorporating the town of North Mount Pleasant, and for other purposes;

And to revive an act, approved February 2nd, 1838, entitled an act to incorporate the town of North Mount Pleasant, and for other purposes;

An act, to authorize the judge of the probate court of Pike county to hold the terms of his court in the clerk's office of said county;

An act, for the establishment of a seminary of learning in the city of Jackson;

An act for the relief of William Morris;

Also, joint resolutions, pledging the state of Mississippi to the support of the general government in maintaining the national rights to the Oregon territory.

Mr. Maxcy, by leave, introduced a bill to be entitled

An act, for the relief of James H. Thompson, guardian of Emeline S., and William D. King, minor heirs of George R. King, deceased;

Which was read the first time.

On motion of Mr. Maxcy,

The rule was suspended, the bill read the second and third time, forthwith, and passed with its title as stated.

Mr. Maxcy, by leave, introduced

A bill, to be entitled,

An act, to authorize the board of police of Noxubee county to have transcribed into suitable books certain records;

Which was read the first time.

Mr. Simrall, by leave, introduced,

A bill, to be entitled,

An act, to regulate the mileage of members of the legislature;

Which was read the first time.

Mr. Huie, by leave, introduced,

A bill, to be entitled,

An act, to authorize John Noland to transcribe into suitable books the minutes of the circuit court of Choctaw county, and for other purposes;

Which was read three times, and passed with its title as stated.

Mr. Greaves, by leave, introduced,

A bill, to be entitled,

An act, amendatory and explanatory of an act to designate in what manner and in what courts suit shall be brought against the state of Mississippi, approved the 15th February, 1833;

Which was read the first time.

Mr. Griffin offered the following resolution:

Resolved, the senate concurring, that the committee on the penitentiary be instructed to inquire into the expediency of recommending a change in the convict labor, so far as the proceeds arising from the penitentiary will carry it out, and no farther.

On his motion,

The rule, requiring joint resolutions to lay one day on the table, was suspended,

And the resolution adopted.

On motion of Mr. Cushman,

Resolved, That a select committee be raised by this house, consisting of five members, to be called the committee on the seminary fund, to be appointed by the speaker.

The chair appointed Messrs. Cushman, Cowan, Rodgers, Farrar and Maxcy.

Mr. Moore, by leave, introduced,

A bill, to be entitled,

An act, to alter the mode of appointing and restricting the number of clerks to the two houses of the legislature;

Which was read the first time.

Mr. McCaughan, by leave, introduced a resolution in relation to the military academy at West Point.

Which was read the first time.

On motion of Mr. McCaughan,

Resolved, That the judiciary committee be instructed to inquire into the expediency of reporting a bill for a general law on the subject of incorporating cities, towns, villages and masonic lodges by the legal voters thereof, or by the boards of police in their respective counties.

On motion of Mr. North,

Resolved; That the committee on claims be instructed to report back the claims of Samuel B. Newman and Samuel Wood; and that leave be given to withdraw the same from the house.

Mr. Abbott offered the following resolution:

Whereas, there are great complaints against the revenue laws in this state; and whereas, it is expected by the people in many portions of the state that this legislature will reduce the rate of taxes as now levied;

Be it therefore resolved, That the committee of ways and means be, and they are hereby instructed to inquire into the expediency of bringing in a bill, reducing the rates of taxes now required by the revenue laws of this state.

Mr. Metcalf moved the indefinite postponement of the resolution;

Which was decided in the negative by yeas and nays, as follows:

Those who voted in the affirmative, are

Messrs. Alcorn, Baily, Beaty, Brooks, Buford, Emanuel, Ewing, Foster, Fowles, Leonard, Loper, May, McCaughan, McInnis, Metcalf, Moore, Nash, Netterville, North, Randall, Rogers, Rushing, Sharkey, Simrall, Smiley, Smith of Washington, and White—27.

Those who voted in the negative, are

Mr. Speaker; Messrs. Abbott, Archer, Beame, Berry of Simpson, Berry of Tippah, Binford, Bynum, Campbell, Cannon, Carson, Chambers, Chewing, Connell, Cowan, Crain, Cushman, Cypert, Dilworth of Monroe, Dilworth of Tishemingo, Farrar, Fontaine, Frost, Gibbs, Gilleland, Greaves, Green of Tippah, Griffin, Guy, Harris, Harrison, Holleman, Hughes, Hule, Hyneman, Kennedy, Leigh, Lemly, Malone, Maxcy, McAfee, McDonald, McNabb, Millsaps, Moody, Pendleton, Pettus, Potts, Robinson, Rossman, Simmons, Smyth of Winston, Stuart, Torrey, Totten, Walker, Warren and York—58.

Mr. Warren moved to strike out the words "into the expediency;"

Which was lost.

Mr. Emanuel offered the following amendment:

Amend by adding "to inquire whether any, and if any, what amount the present rate of taxation can be reduced."

Mr. Dilworth of Tishemingo, called for the previous question, and the question was taken, shall the main question be now put? and decided in the affirmative.

The question was then taken on the adoption of the resolution, and decided in the affirmative.

On motion of Mr. Fontaine,

Resolved, That the judiciary committee be sinstructed to inquire into the expediency of providing by law, for the issuance of executions or writs of fieri facias by the probate courts of this state, to enforce the decrees of said courts, for the payment of money entered against executors and administrators in favor of creditors, distributees and devisees, and report by bill or otherwise.

Mr. Maxcy offered the ollowing resolution:

Resolved, That with the concurrence of the senate, both houses of the legislature meet in the representatives hall, on Saturday next, at 10 o'clock, for the purpose of electing a superintendent, assistant keeper and clerk of the penitentiary, for the years 1846 and 1847;

Which lies one day on the table.

Mr. Connell offered the following resolution:

Resolved, (the senate concurring,) That this legislature will adjourn sine die on Monday the 16th Feb. next;

Which by rule lies one day on the table.

Mr. Berry of Tippah, by leave, introduced,

A bill, to be entitled,

An act to reduce the fees of sheriffs in certain cases, and for other purposes;

Which was read the first time.

Mr. Chewning offered the following resolution:

Resolved by the legislature of the state of Mississippi, That the bonds and coupons of the state, issued for and on account of the Planters' Bank, ought to be paid by the people of the state;

Which was read the first time.

On motion of Mr. Chewning,

The rule was suspended and the resolution read the second time.

Mr. Harris moved to lay the resolution on the table;

Which was decided in the negative by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Berry of Simpson, Brooks, Bynum, Campbell, Cyper, Gilleland, Harris, Huie, Hyneman, Kennedy, Maxcy, McAfee, McCaughan, McNabb, Randall, Robinson, Rossman and Walker, —18.

Those who voted in the negative, are,

Mr. Speaker, Messrs. Abbott, Alcorn, Archer, Bailey Beaty, Been, Berry of Tippah, Binford, Buford, Cannon, Carson, Chambers, Chewning, Connell, Cowan, Crain, Cushman, Dilworth of Monroe, Dilworth of Tishemingo, Emanuel, Ewing, Farrar, Fontaine, Foster, Fowles, Frost, Gibbs, Greaves, Green of Tippah, Griffin, Guy, Harrison, Head, Hinds, Holleman, Leigh, Lemly, Leonard, Loper, Malone, May, Metcalf Millsaps, Moody, Moore, Nash, Netterville, North, Pendleton, Pettus, Pope, Potts, Rogers, Rushing, Sharkey, Simmons, Simral, Smiley, Smith of Washington, Smyth of Winston, Spann, Stewart, Torrey, Totten, Wade, Warren, White and York—71.

On motion of Mr. Chewning,

The rule was further suspended, and the resolution read the third time.

Mr. Connell offered the following amendment by way of ryder:

Amend by way of a ryder, by adding that the assets of the Planters' Bank and sinking fund, first be applied to the payment of the bonds;

Which was read the first time.

Mr. Connell moved for a suspension of the rule;

Which was lost.

The following message was received from the senate by Mr. Wilcox, their secretary:

MR. SPEAKER—The president of the senate has signed acts originating in the house of representatives, of the following titles:

An act to incorporate the town of Black Hawk in the county of Carroll;

An act to change the name of Penyna Wilson to that of Penyna Leech;

An act to authorize B. H. Beard, guardian, to remove the property of his wards out of this state, and for other purposes;

An act for the benefit and protection of Adelia V. Elkin, administratrix of the estate of Thos. W. Elkin, deceased of Monroe county;

Also, acts originating in the senate, of the following titles:

An act for the relief of Thos. F. Collins;

An act to define the powers and duties of the board of police of Monroe, Chickasaw and Noxubee counties;

An act supplementary to an act for the incorporation of the university of Mississippi, approved Feb. 24, 1844.

The senate have pased bills of the following titles:

A bill, to be entitled,

An act to authorize the president and selectmen of the town of Macon, to make titles to the south half of fractional block No. 7, in said town;

A bill, to be entitled,

An act for the relief of securities due the state of Mississidpi, on account of the sinking, seminary and town lot funds, in the city of Jackson;

A bill, to be entitled,

An act to provide for the payment of the debts due for the state library, and for an interchange of books between this state and the several states of the Union.

The senate have given leave to the introduction of bills of the following titles:

A bill, to be entitled,

An act to incorporate Concord lodge No. 12, of the independent order of odd fellows;

A bill, to be entitled,

An act to authorize non-resident tax payers to pay their taxes to the auditor of public accounts;

A bill, to be entitled,

An act to amend the several laws of this state, in relation to public roads;

A bill, to be entitled,

An act to reduce the penalty of the sheriffs bonds in Rankin county;

A bill, to be entitled,

An act granting a turnpike to William Wright.

The senate have concurred in the joint resolution from the house of representatives, instructing the committee on the penitentiary to inquire into the expediency of recommending a change in the convict labor, so far as the proceeds arising from the penitentiary will carry it out, and no farther;

And have passed bills from the house of the following titles:

A bill, to be entitled,

An act granting additional power to the mayor and aldermen of the city of Natchez;

A bill, to be entitled,

An act to authorize the selling of the real estate of Benjamin F. Herbert, deceased;

A bill, to be entitled,

An act to legalize the marriage of John C. Lucas and Alpha Strickland of the county of Covington.

On motion of Mr. Harris,

Leave of absence was granted to Mr. Thompson.

The special order to be entitled,

An act in relation to the reporters of the high court of errors and appeals, was taken up.

The house, according to its order, resolved itself into committee of the whole on said bill;

Mr. Emanuel in the chair.

After some time spent therein, the committee rose and reported the bill back to the house without amendment;

Which was received and agreed to.

Mr. Harris offered the following amendment:

"Provided, this act shall not affect the 5th volume of Smedes & Marshall's reports, now in press;

Which was adopted.

The rule was suspended, the bill read the third time, and passed as amended.

The senate memorial to the congress of the United States,

Was read the first time.

The senate bill, entitled,

An act to attach the counties of Tippah and Pontotoc to the district chancery court at Fulton;

Was read the first time.

On motion of Mr. Fontaine,

The rule was suspended, and the bill read the second time.

Mr. Warren moved to strike out the county of Tippah;

Which was carried.

On motion of Mr. Warren,

The bill was referred to a select committee of three, consisting of Messrs. Warren, Fontaine and Green of Tippah.

The senate bill, entitled,

An act to establish an inferior court of chancery in the southern part of this state;

Was read the first time.

On motion of Mr. Harris,

The rule was suspended, the bill read the second time, and referred to a select committee consisting of a member from each county constituting the district.

The senate bill, entitled,

An act to authorize the police court of Claiborne county to erect toll bridges;

Was read the first time.

The senate bill, entitled,

An act to amend the several laws in this state in relation to courts of probate;

Was read the first time.

On motion of Mr. Cushman,

The rule was suspended and the bill read the second time.

On motion of Mr. Harris,

The bill was referred to the judiciary committee.

The senate bill, entitled,

An act to repeal the forthcoming bond law, and for other purposes;

Was read the first time.

The senate bill, entitled,

An act to attach a portion of the county of Yazoo to that of Warren;

Was read the first time.

On motion of Mr. Sharkey,

The rule was suspended, the bill was read the second time, and referred to the committee on county boundaries.

The senate bill, entitled,

An act to authorize the president and selectmen of the town of Macon to make titles, &c.;

Was read three times, and passed with its title as stated.

The senate bill, entitled,

An act for the relief of securities due the State of Mississippi, on account of the sinking, seminary and town lot funds, in the city of Jackson;

Was read the first time.

Mr. Totten moved a suspension of the rule;

Which was lost.

The senate bill, entitled,

An act to provide for the payment of the debts due for the state library, and for an interchange of books between this state and the several states of the union;

Was read the first time.

On motion of Mr. Cushman,

The house adjourned.

TUESDAY, JANUARY 27, 1846.

The house met pursuant to adjournment.

The speaker announced the following committee on the bill to establish an inferior court of chancery in the southern part of this state, viz:

Messrs. Harris, Smiley, Torrey, North, Simrall, Head, Cham-

bers, Simmons, Stuart, McCaughan, Randall, Leonard, Holleman, McInnis, Frost, Bynum and McAfee.

Mr. Harris presented the claim of Thomas Holiday;

Which was referred to the committee on claims.

Mr. Allen presented the claim of H. T. Ellett;

Which was referred to the same committee.

Mr. Kennedy presented the petition of Bethany Hall;

Which was referred to the committee on propositions and grievances.

Mr. Kennedy presented the petition of Bethany Hall;

Which was referred to the committee on ways and means.

Mr. Greaves presented the claim of E. M. Avery;

Which was referred to the committee on claims.

Mr. Spann presented the petition of Wm. Wing;

Which was referred to a select committee of three, consisting of Messrs. Spann, Green of Hinds and Greaves.

Mr. Beaty presented the claim of the editors of the Holly Springs Guard;

Which was referred to the committee on claims.

Mr. White presented the petition of H. P. M. Ledbetter and G. G. Gregory;

Which was referred to the committee on propositions and grievances.

Mr. Abbott presented sundry claims;

Which were referred to the committee on claims.

Mr. Farrar presented the claim of J. S. Custis;

Which was referred to the committee on claims.

Mr. May presented the petition of Thomas Bennet;

Which was referred to a select committee of three, consisting of Messrs. May, Campbell and Harrison.

Mr. Emanuel presented the petition of Andrew J. Gray;

Which was referred to the committee on the judiciary.

Mr. Sharkey presented the petition of sundry citizens of Warren county;

Which was referred to a select committee of three, consisting of Messrs. Sharkey, Emanuel and Sessions.

Mr. Farrar, from the committee on internal improvement, to whom was referred a bill, entitled,

An act to provide for the construction of a levy in the counties of

Tunica, Coahoma, Bolivar, Washington and Issaquena, reported, that it would be inexpedient to pass the bill, and asked to be discharged from its further consideration;

Which was received and agreed to.

Mr. Totten, from the judiciary committee to whom was referred,

A bill, to be entitled,

An act to repeal an act, entitled, an act to regulate the practice of the circuit court, approved February 22, 1840, reported, that it would be inexpedient to pass the bill, and asked to be discharged from its further consideration;

Mr. Totten moved that the report be received and agreed to.

On motion of Mr. Smiley,

A division of the question was had, and the report received.

The question was then taken on agreeing to the report and decided in the affirmative by yeas and nays, as follows:

Those who voted in the affirmative, are,

Mr. Speaker, Messrs. Abbott, Alcorn, Beaty, Beene, Berry of Tippah, Binford, Buford, Bynum, Campbell, Cannon, Chambers, Chewning, Connell, Cowan, Crain, Cushman, Dilworth of Monroe, Dilworth of Tishemingo, Emanuel, Farrar, Fontaine, Gibbs, Gilleland, Greaves, Green of Hinds, Green of Tippah, Griffin, Guy, Harris, Harrison, Head, Hinds, Hughes, Huie, Hyneman, Kennedy, Leigh, Lemly, Maxcy, May, McAfee, McCaughan, McNabb, Metcalf, Millsaps, Moody, Moore, Nash, Netterville, Pettus, Pope, Potts, Randall, Robertson, Rossman, Sessions, Simrall, Simmons, Smyth of Winston, Spann, Stuart, Totten, Wade, Walker, Warren, White and York—68.

Those who voted in the negative, are,

Messrs. Allen, Archer, Bailey, Berry of Simpson, Brooks, Carson, Cypert, Ewing, Fowles, Frost, Holleman, Malone, McDonald, McInnis, North, Pendleton, Rogers, Rushing, Smiley and Smith of Washington—20.

Mr. Totten, from the judiciary committee, to whom was referred

A bill, to be entitled,

An act to amend an act entitled an act to extend the remedy by attachment and garnishment, approved 23d February, 1844, reported that it would be inexpedient to pass said bill;

Which was received and agreed to.

Mr. Totten, from the same committee, to whom was referred a

resolution of the house, instructing the committee to inquire into the expedieney of so amending the constitution as to give jurisdiction to justices of the peace in all cases of debt where the principle does not exceed $100, reported that it is inexpedient to alter the constitution;

Which was received and agreed to.

Mr. Ewing, from the same committee, to whom was referred the petitions of sundry citizens of Madison county, reported,

A bill, to be entitled,

An act to construe and amend an act entitled an act to regulate the mode of obtaining license to sell vinous and spirituous liquors, approved February 22, 1842;

Which was read the first time, and the report received and agreed to.

Mr. Warren, from the committee on county boundaries, to whom was referred a resolution of the house instructing said committee to inquire into the expediency of repealing an act passed 21st February, 1844, defining the boundary line between the counties of Tunica and Coahoma, reported that it is inexpedient to repeal said act;

Which was received and agreed to.

Mr. Warren, from the same committee, to whom was referred the petition of sundry citizens of Carroll county, reported that it is inexpedient to grant the prayer of the petitioners;

Which was received and agreed to.

Mr. Sessions, from the joint standing committee on enrolled bills, reported that they have examined acts of the following titles:

An act to amend an act of the Mississippi territory of March 10th, 1803, revised and amended by an act of December 9, 1809, incorporating the city of Natchez, and the several acts supplemental thereto;

An act to authorize and require the trustees of schools and school lands in the city of Columbus, in township 18, of range 18, west, to execute deeds to lots of less dimensions than one-fourth of an acre, and for other purposes;

An act to incorporate Silas Brown lodge No. 65, and the Mississippi lodge No. 56, at the town of Rodney, of free and accepted masons;

An act in relation to the bonds of coroners;

An act granting additional powers to the mayor and selectmen of the city of Natchez;

An act to legalize the marriage of John C. Lucas and Alpha Strickland of the county of Covington;

An act to authorize the selling of the real estate of Benjamin S. Hubbard, deceased;

And have found the same correctly enrolled.

They have also presented to the governor for his signature and approval,

An act for the benefit and protection of Adelia V. Elkin, administratrix of Thomas W. Elkin, deceased;

An act to authorize B. H. Beard, guardian, to remove the property of his wards out of this state, and for other purposes;

An act to incorporate the town of Black Hawk in the county of Carroll;

An act to change the name of Penyna Wilson to that of Penyna Leech.

Mr. Wade, from the committee on ways and means, to whom was referred,

A bill, to be entitled,

An act for the relief of tax payers, and for other purposes, reported that the committee have adopted the general provisions of said bill, to be reported in the general revenue bill, and asked that the said bill be laid on the table;

Which was received and agreed to.

Mr. Connell, from the joint standing committee on claims, to whom was referred the claims of Samuel Wood and S. B. Newman, reported that it would be inexpedient to allow the claims;

Which was received and agreed to.

Mr. Fontaine, by leave, introduced,

A bill, to be entitled,

An act to repeal an act entitled an act to prevent the sacrifice of real estate sold under execution, decrees in chancery and deeds of trust, approved February 28, 1842;

Which was read the first time.

Mr. Fontaine moved a suspension of the rules;

Which was lost.

Mr. Campbell, by leave, introduced,

A bill, to be entitled,

An act to authorize the holders of bonds and writings obligatory to sue in one action the makers and endorsers, and for other purposes;

Which was read the first time.

Mr. Bailey, by leave, introduced,

A bill, to be entitled,

An act for the relief of Jesse Sullivant, a citizen of Tallahatchie county;

Which was read the first time.

On motion of Mr. Bailey,

The rule was suspended, the bill read the second and third time forthwith,

And passed with its title as stated.

Mr. Allen, by leave, introduced,

A bill, to be entitled,

An act to change the name of Thomas Henry Daniel to that of Smith Coffee Daniell;

Which was read the first time.

Mr. Abbott, by leave, introduced,

A bill, to be entitled,

An act to amend an act entitled an act to abolish the office of commissioner of public buildings, and for other purposes, approved February 6th, 1841;

Which was read the first time.

On motion of Mr. Abbott,

The rule was suspended, the bill read the second and third time forthwith,

And passed with its title as stated.

Mr. North, by leave, introduced,

A bill, to be entitled,

An act for the relief of the heirs of Charles Perkins;

Which was read the first time.

On motion of Mr. North,

The rule was suspended, the bill read the second and third time forthwith,

And passed with its title as stated.

Mr. Lemley moved to call from the orders of the day No. 95;

Which was lost.

The house resolved itself into committee of the whole on its

special order, to be entitled, an act for the benefit of Wm. Roberts and L. C. Leland;

Mr. McCaughan in the chair.

After some time spent therein, the committee rose and reported the bill back to the house without amendment;

Which was received and agreed to.

On motion of Mr. Fontaine,

The bill was referred to the committee on claims.

The special order, to be entitled,

An act for the relief of Tilman Mitchell, late sheriff of Kemper county, was taken up.

The house, according to its previous order, resolved itself into committee of the whole on said bill;

Mr. Smith of Washington in the chair.

After some time spent therein, the committee rose and reported the bill back to the house without amendment;

Which was received and agreed to, the bill read the third time forthwith, and passed with its title as stated.

The special order, entitled,

An act to regulate the descent and distribution of the estate of Edmund Rice, deceased, a foreigner,

Was read the third time, forthwith, and passed with its title as stated.

The house resolved itself into committee of the whole on its special order, to be entitled,

An act to authorize the mayor and aldermen of the city of Jackson to erect a toll bridge across Pearl river;

Mr. Cushman in the chair.

After some time spent therein, the committee rose and reported the bill back to the house without amendment;

Which was received and agreed to.

On motion of Mr. Greaves,

The bill was referred to a select committee of 5, consisting of Messrs. Greaves, Farrar, Pope, McNabb and Spann.

On motion of Mr. Wade,

The auditor's report was taken up, and 500 copies ordered to be be printed, and is as follows:

A STATEMENT, SHOWING THE AMOUNT OF TAXABLE PROPERTY IN THE STA

COUNTIES.	Money loaned or employed in purchase of bills, bonds, checks, &c	Merchandize sold by regular merchants.	Value of pianos.	Value of ferries, toll bridges, and turnpikes.	Value of pleasure carriages.	Value of bank stock.	Value of clocks.	Value of watches.	Value of saddle, carriage, or livery stable horses.
Adams,	$295,259 00	$889,280 00	$26,075 00	$1,000 00	$45,685 00	$4,641,100 00	$6,307 00	$30,691 00	$49,304
Attala,	5,185 00	23,822 00	435 00	300 00	2,650 00		2,374 00	1,842 00	1,175
Amite,	84,891 00	49,122 00	1,717 00	450 00	6,790 00		5,288 00	8,329 00	8,090
Bolivar,			450 00				316 00	1,295 00	690
Carroll,	9,274 00	229,305 00	4,200 00		12,533 00		5,074 00	8,860 00	7,790
Chickasaw,	7,314 00	43,886 00	700 00	5,000 00	5,218 00		3,357 00	2,299 00	2,080
Choctaw,	8,811 00	17,034 00	155 00		1,085 00		2,302 00	1,204 00	220
Copiah,	300 00	13,750 00	525 00	200 00	2,350 00		1,388 00	1,295 00	1,745
Clarke,	4,203 00	4,675 00	300 00		560 00		1,153 00	723 00	1,395
Covington,	16,070 00	5,300 00		100 00	550 00		916 00	452 00	780
Coahoma,							232 00	1,062 00	
Claiborne,	24,818 00	298,094 00	10,360 00	650 00	20,960 00	4 384,400 00	2,773 00	19,433 00	24,465
Desoto,	25,960 00	40,327 00	600 00	600 00	10,225 00		2,715 00	3,956 00	3,402
Franklin,	6,050 00	5,400 00	900 00		2,640 00	200 00	2,651 00	3,810 00	6,917
Greene,	4,499 00	400 00		650 00	75 00		859 00	175 00	280
Hinds,	61,379 00	570,418 00	14,655 00	6,350 00	34,615 00		7,062 00	34,200 00	24,083
Holmes,	12,100 00	99,055 00	2,910 00	2,500 00	14,200 00		3,825 00	7,683 00	7,497
Hancock,	7,075 00	9,282 00	185 00		7,205 00		817 00	2,052 00	730
Harrison,	300 00	8,635 00	575 00	50 00	235 00		722 00	1,103 00	250
Itawamba,	8,444 00	47,944 00		150 00	1,095 00		2,745 00	1,400 00	890
Issaquena,									
Jasper,	810 00	10,164 00		900 00	2,543 00		1,090 00	1,340 00	
Jackson,	2,650 00	6,130 00	210 00	395 00	300 00		900 00	358 00	
Jones,	250 00	100 00		25 00			195 00	30 00	
Jefferson,	9,723 00	102,147 00	4,800 00	1,000 00	15,600 00		2,576 00	9,833 00	15,425
Kemper,	6,130 00	34,800 00	2,775 00		5,055 00		2,386 00	3,205 00	1,685
Lauderdale,	9,138 00	38,259 00			945 00		2,049 00	889 00	318
Lawrence,	10,330 00	33,130 00	300 00	325 00	540 00		2,513 00	3,081 00	1,650
Lafayette,	4,740 00	34,824 00	2,025 00	2,300 00	3,685 00		1,865 00	2,512 00	1,555
Lowndes,	110,882 00	419,442 00	12,980 00	22,[illegible] 00	34,340 00		6,234 00	22,433 00	19,020
Leake,		9,050 00	150 00	600 00	530 00		1,052 00	392 00	510
Madison,	52,280 00	178,329 00	7,975 00	1,900 00	24,115 00	610,000 00	3,282 00	15,743 00	16,180
Marshall,	35,320 00	142,488 00	8,425 00		28,925 00	38,620 00	4,477 00	11,115 00	8,497
Monroe,	7,300 00	245,765 00	5,175 00	7,000 00	17,750 00		2,909 00	9,414 00	5,135
Marion,	80,416 00	9,610 00	20 00	800 00	1,335 00		1,024 00	955 00	
Noxubee,	20,600 00	122,172 00	3,575 00	585 00	20,365 00		3,386 00	7,058 00	8,107
Neshoba,	2,808 00	9,106 00	200 00		1,495 00	16,150 00	748 00	737 00	250
Newton,	500 00	4,435 00			154 00		1,161 00	201 00	50
Oktibbeha,	13,776 00	41,880 00	2,140 00	150 00	10,445 00		2,402 00	4,295 00	4,149
Panola,	30,856 00	78,979 00	1,420 00	2,050 00	4,785 00		1,511 00	7,076 00	4,790
Pike,	39,953 00	27,624 00	950 00	200 00	1,[illegible] 00	150,000 00	3,072 00	2,228 00	1,265
Pontotoc,	6,792 00	94,583 00	2,970 00		4,[illegible] 00		2,890 00	3,574 00	1,700
Rankin,	703 00	30,800 00	400 00		2,[illegible] 00		1,310 00	1,577 00	285
Perry,	4,385 00	880 00		215 00	[illegible] 00		640 00	305 00	290
Scott,	1,054 00	29,851 00			[illegible]		1,218 00	1,662 00	295
Sunflower,	(tax for 1844 and 1845,)			56 00	[illegible] 00		155 00	397 00	425
Simpson,	7,115 00	5,650 00		1,302 00	[illegible] 00		615 00	—	—
Smith,	1,892 00	5,400 00			[illegible] 00		2,080 00	693 00	610
Tippah,	10,277 00	94,014 00	1,010 00	2,069 00	[illegible] 00		4,080 00	3,776 00	3,142
Tishemingo,	2,784 00	79,351 00	[illegible] 00	1,115 00	[illegible] 00		2,307 00	1,623 00	1,390
Tallahatchie,	4,162 00	19,810 00	[illegible] 00		[illegible] 00		541 00	1,644 00	1,415
Tunica,			[illegible] 00	[illegible] 00			185 00	25 00	75
Washington,									
Warren,	291,623 00	1,006,198 00	14,285 00		[illegible]	170,000 00	3,939 00	36,620 00	
Wayne,	2,505 00	440 00	300 00	174 00	[illegible]		491 00	963 00	760
Wilkinson,	21,340 00	78,941 00	610 00		[illegible]		1,621 00	11,760 00	16,830
Winston,	3,713 00	[illegible] 00	860 00	[illegible] 00	[illegible] 00		1,675 00	3,686 00	2,700
Yazoo,									
Yallabusha,	25,405 00	[illegible] 00	3,000 00	650 00	[illegible] 00		3,177 00	8,739 00	5,170
Total,	$1,406,981	[illegible]	$120,457	[illegible]	[illegible]	$[illegible]	$[illegible]	$211,198	$270

Hon. Jacob Wagnfield, *Speaker of the House of Representatives.*

Sir,—In compliance with a Resolution of the House of Representatives of the 3rd instant, I have the honor to p each county for the year 1845. It will be perceived that the number of [illegible] land in many of the counties, and the value of in Washington and Issaqu[illegible] also deficient. The reason of this is, the assessment books are not added up, and books been [illegible] would have required at least three [illegible] to have made out the above table, and [illegible] I have the honor to be, [illegible] your obedient servant,

OF TAXABLE PROPERTY IN THE STATE OF MISSISSIPPI, AND THE STATE TAX ACCRUING THEREON FOR THE YEAR 1845.

Value of bank stock.	Value of clocks.	Value of watches.	Value of saddle, carriage, or livery stable horses.	Value of gold and silver manufactured articles, over $50 worth.	Value of merchandize sold at auction, or by private venders.	Number of Bowie knives.	No. of pistols.	No. of 9 or 10 pin alleys.	No. of theatres.	No. of race tracts.	No. of cattle over 20 head.	Price per season of stallions.	Price per season of jacks.	No. of free white polls.	No. of free colored persons.	No. of slaves over 5 and under 60 years of age.	No. of slaves under 5 years old.	No. of acres of land taxable.	Value of land taxable.	Aggregate tax of the State for 1845. Dollars.	Cts.
4,641,100 00	$6,307 00	$30,691 00	$49,304 00	$24,691 00	$	7	110	4	1	1	8,641	$82 00	$	887	18	11,029	3,076	244,660	$4,028,406	$39,132	13
	2,374 00	1,842 00	1,175 00		100 00	5	18				1,554	34 00	3 00	724		1,043	334	276,250	398,964	2,732	93
	5,288 00	8,329 00	8,090 00	138 00		7	16				3,818	16 00	9 00	664	4	4,407	1,261	207,368	590,482	6,444	25
	316 00	1,295 00	690 00								1,402			110		971	275			2,726	46
	5,074 00	8,860 00	7,790 00	210 00		4	20				4,068	44 00		1,320	3	5,309	1,577	475,931	1,520,552	10,835	09
	3,357 00	2,299 00	2,080 00			3	21				4,230	38 00	26 00	1,198		2,351	761	535,616	919,039	5,767	48
	2,302 00	1,204 00	220 00			1	4				892	45 00		1,049	2	1,509	546	340,640	584,368	3,774	35
	1,388 00	1,295 00	1,745 00			1	6				1,587	54 00	5 00	866		3,011	995		1,138,333	6,539	66
	1,153 00	723 00	1,395 00			1	3				2,507	26 00		432	1	836	268	73,655	203,122	1,687	11
	916 00	452 00	780 00				8				3,069	5 00		299		650	245	35,531	73,216	1,080	24
	232 00	1,062 00					6				495	15 00	5 00	301	3	523	143		279,926	1,497	44
4,384,400 00	2,773 00	19,433 00	24,465 00	2,640 00	400 00	6	44				6,938	30 00		756	11	7,431	2,137	267,049	2,404,549	16,968	47
	2,715 00	3,956 00	3,402 00			3	28				1,924	62 00		1,367		4,227	1,305		2,137,086	11,114	31
200 00	2,651 00	3,810 00	6,917 00	165 00		4	17				2,623	28 00	5 00	390	2	2,191	618		497,213	3,785	74
	859 00	175 00	280 00			1					4,300	5 00		193		377	136	38,260	32,112	588	79
	7,062 00	34,200 00	24,083 00	2,570 00	1,920 00	10	99	4	1		6,380	76 00	36 00	1,940	13	10,024	2,993		3,112,170	22,191	07
	3,825 00	7,683 00	7,497 00	160 00		9	39				3,025	74 00		1,006	1	4,927	1,405	411,547	1,237,833	9,435	03
	817 00	2,052 00	730 00	25 00		1	15	1			8,250			187	5	665	214	58,935	292,183	1,736	56
	722 00	1,103 00	250 00	104 00		2	1				5,296			271		322	102	44,850	92,581	815	84
	2,745 00	1,400 00	890 00		350 00	1	23				2,032	55 00	24 00	1,243	1	990	325		614,106	3,110	05
																				6,630	59
	1,090 00	1,340 00				1	9				2,424	29 00	6 00	464	1	1,031	346	143,594	222,283	2,009	48
	900 00	358 00						1			4,328	14 00		201	5	335	123	79,520	119,227	859	11
	195 00	30 00									2,743	4 00		187		122	45		11,507	269	38
	2,576 00	9,833 00	15,425 00	1,010 00		2	12				6,126	49 00	11 00	555	9	7,058	2,250	225,851	1,141,879	10,781	92
	2,386 00	3,205 00	1,685 00			2	9				2,123	40 00	5 00	921	1	2,723	883		441,508	4,399	29
	2,049 00	889 00	318 00		2,019 00	2	13	3			911	24 00		771		1,320	460		287,543	2,663	27
	2,513 00	3,081 00	1,650 00	100 00		1	15				2,191	30 00	10 00	611	1	1,792	607	118,809	230,215	2,798	08
	1,865 00	2,512 00	1,555 00	50 00							1,304	52 00	6 00	1,017	1	2,755	839		984,004	6,319	53
	6,234 00	22,433 00	19,020 00	1,456 00	6,074 00	9	59			1	2,626	44 00	23 00	1,490	9	8,553	2,411	356,001	1,895,873	16,210	33
	1,052 00	392 00	510 00				10				1,961	16 00		423	1	657	215	236,093	291,319	1,743	22
600,000 00	3,282 00	15,743 00	16,180 00	803 00		7	79				6,932	5 00	3 00	1,009	2	10,033	2,848		2,778,769	20,255	33
18,620 00	2,477 00	11,115 00	8,497 00	540 00		3	40				1,617	97 00	7 00	1,696	2	7,335	2,018		2,426,865	15,583	31
	2,069 00	9,414 00	5,135 00			1	24				1,807	32 00	24 00	1,158	2	5,324	1,513		1,305,850	10,137	32
	1,024 00	955 00		150 00			2				8,020	20 00		351		1,457	460	76,816	111,974	2,132	86
	3,380 00	7,058 00	8,107 00		500 00	2	54				2,947	71 00	36 00	1,110	1	7,312	2,178		1,541,406	12,265	83
16,156 00	748 00	737 00	250 00				4				2,274	11 00		367		553	173		256,587	1,541	29
	1,161 00	201 00	50 00			2	4				2,538	14 00	11 00	402		558	210	177,306	446,617	2,087	28
	2,402 00	4,295 00	4,149 00			1	24				1,973	61 00	110 00	661	4	2,656	780	322,668	788,866	5,416	79
	1,511 00	7,076 00	4,790 00	70 00		3	35				2,934	80 00	5 00	805	1	3,427	1,039	355,479	1,584,133	8,741	64
150,000 00	3,072 00	2,228 00	1,265 00	29 00		1	9				2,238	49 00		561	1	1,853	610		211,776	3,205	10
	2,890 00	3,574 00	1,700 00			1	15				1,198	30 00	5 00	966	1	1,944	634		999,833	5,620	90
	1,379 00	1,577 00	285 00			2	5				1,509	31 00	10 00	583		1,633	521	361,447	938,747	4,732	50
	640 00	305 00	290 00				3				8,190			209		381	146	40,645	42,025	670	57
	1,218 00	1,612 00	295 00			1	1				1,613	13 00		334	1	512	186	201,317	323,730	1,732	45
	155 00	397 00	425 00	50 00		1					393			166		284	66	123,198	862,347	5,692	97
	615 00						2				2,119	24 00	10 00	426		868	271		116,104	1,400	11
	1,080 00	693 00	610 00								2,886	15 00		398		512	183	38,314	124,186	1,075	86
	4,080 00	3,776 00	3,142 00			3	27				955	75 00	18 00	1,784		2,391	754	551,026	1,258,900	7,251	28
	2,507 00	1,623 00	1,890 00			2	4	1			818	55 00	12 00	1,395	2	887	276	465,859	588,523	3,622	13
	541 00	1,644 00	1,415 00			2	4				1,451	15 00		408	2	1,541	306		730,666	3,748	14
	185 00	25 00	75 00								1,050			50		295	84		2,096,933	6,543	67
														248						12,063	00
100,000 00	3,939 00	36,620 00				28	185		1					1,694		8,368	2,810	272,971	4,464,083	27,331	03
	491 00	968 00	760 00				12				4,609	22 00	7 00	189		848	305	53,206	77,796	1,180	89
	4,021 00	11,760 00	10,880 00	250 00		5	17	1			5,491	40 00	6 00	628	2	7,578	2,251	225,600	1,994,533	13,584	23
	1,675 00	3,666 00	2,700 00		160 00	4	19				1,774	39 00	7 00	672	1	1,593	513		657,000	4,055	92
																				17,245	77
	3,177 00	8,739 00	5,170 00	70 00		4	29				2,294	91 00		1,417		5,[illegible]	1,589		743,253	8,282	68
[illegible],850,478	$129,991	$311,198	$270,460	$35,172	$11,463	150	1185	15	3	2	169,395	$1581	$445	41,524	114	174,258	49,091	7,562,387	$54,060,330	$413,777	95

AUDITOR'S OFFICE, JACKSON, JANUARY 24TH, 1846.

[illegible]es of the 23d instant, I have the honor to present you the above statement, giving a detailed exhibit of the taxable property of the State, with the amount of taxes assessed upon the same in [illegible]d in many of the counties, and the value of the land in Washington county, are not given, and in Yazoo county, nothing is given except the amount of taxes due: most of the items of property [illegible] the assessment books are not added up, and it would require more labor and time to make the additions, than my own time, or that of the Legislature would permit. Had all the assessment [illegible] to have made out the above table, and complied with the request contained in the resolution of the House.

JAMES E. MATTHEWS, Auditor of Public Accounts.

[illegible]ient servant,

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On motion of Mr. Green of Hinds,

The report of the commissioner of public buildings was taken up, and referred to the committee on public buildings.

On motion of Mr. Green of Hinds,

Resolved, That the committee on public buildings be instructed to inquire and to report to this house what amount of work and materials on, and about the public building, has been properly credited to the penitentiary.

The house resolved itself into committee of the whole on its special order, to be entitled, an act to provide for a geological survey of this state;

Mr. Connell in the chair.

After some time spent therein, the committee rose and reported the bill back to the house without amendment;

Which was received.

The question was then taken on agreeing to the report, and decided in the negative.

Mr. Harris moved to amend the report by striking out 5,000 and insert 3,000.

Before the question was taken,

Mr. Griffin moved that the report and bill be laid on the table;

Which was decided in the affirmative.

The special order to be entitled,

An act to authorize taking depositions in certain cases, and for other purposes;

Was read the third time, and passed with its title as stated.

The senate bill, entitled,

An act to provide for the appointment of commissioners in the several states of the United States, to take acknwledgements, &c.;

Was read the second time.

The senate bill, entitled,

An act to incorporate the Yazoo lodge, No. 42;

Was read the second time.

On motion of Mr. Bailey,

The rule was suspended, the bill read the third time, and passed with its title as stated.

The senate bill, entitled,

An act for the relief of John H. Rollins;

Was read the second and third time, and passed with its title as stated.

On motion of Mr. Allen,

The resolution from the senate, making the committee on education a joint standing committee;

Was concurred in.

The senate resolution, inserting an amendment in the constitution of the state;

Was read the second and third time forthwith, and passed with its title as stated.

The senate bill, entitled,

An act to amend an act entitled an act to incorporate the Chuquatontia turnpike company;

Was read the second time; and,

On motion of Mr. Walker,

Referred to a select committee of three, consisting of Messrs. Walker, Moore and Dilworth of Monroe.

The senate bill, entitled,

An act declaring Lususcoona river a navigable stream, and for other purposes;

Was read the second and third time, and passed with its title as stated.

The senate bill, entitled,

An act to restore a board of trustees of the 16th section, township No. 5, range 3, east;

Was read the second time.

On motion of Mr. Farrar,

The rule was suspended, the bill read the third time, and passed with its title as stated.

The senate bill, entitled,

An act for the relief of Henry Lee, a free man of color, of the county of Warren;

Was read the second time.

On motion of Mr. Harris,

The bill was indefinitely postponed.

The following message was received from the senate, by Mr. Wilcox, their secretary:

Mr. Speaker—The president of the senate has signed acts originating in the house, of the following titles:

An act to amend an act of the Mississippi territory of March 10, 1803, revised and amended by an act of December 9, 1809, incorporating the city of Natchez, and the several acts supplemental thereto;

An act in relation to the bonds of coroners;

An act granting additional powers to the mayor and selectmen of the city of Natchez;

An act to authorize and require the trustees of schools and school lands in the city of Columbus, in township 18 south, of range 18 west, to execute deeds to lots of less dimensions than one fourth of an acre, and for other purposes;

An act to authorize the selling of the real estate of Benjamin F. Herbert, deceased;

An act to incorporate Silas Brown lodge No. 65, and the Mississippi lodge No. 56, at the town of Rodney, of free and accepted masons;

An act to legalize the marriage of John C. Lucas and Alpha Strickland, of the county of Covington.

The senate have passed bills of the following titles:

A bill, to be entitled,

An act to declare Quivee or Thompkins' bayou, and the bayou known as dry bayou, navigable streams;

A bill, to be entitled,

An act to incorporate Concord lodge No. 12, of the independent order of odd fellows;

A bill, to be entitled,

An act to amend the laws of this state in relation to free negroes and mulattoes;

A bill to be entitled,

An act to regulate the fees of sheriffs in certain cases;

A bill, to be entitled,

An act to change the name of Sarah Jane Kendall to that of Sarah Jane Oakley, and for other purposes;

In which I am instructed to desire the concurrence of the house of representatives.

The senate have given leave to the introduction of bills of the following titles:

A bill to be entitled,

An act amendatory of the laws for the relief of the poor;

A bill to be entitled,

An act to add Monroe and Chickasaw counties to the chancery district at Columbus;

A bill, to be entitled,

An act to repeal all laws prohibiting judges from leaving the state;

A bill, to be entitled,

An act supplemental to an act entitled an act to define the duties and powers of the board of police of Monroe, Chickasaw and Noxubee counties;

A bill, to be entitled,

An act to repeal certain laws in relation to the road hands in Honey Island, in Holmes county.

The senate have adopted the following resolution:

Resolved, (with the concurrence of the house of representatives,) That the committee on education be hereafter a joint standing committee;

In which I am instructed to desire the concurrence of the house of representatives.

Mr. Speaker—The senate have passed bills from the house of representatives of the following titles:

A bill, to be entitled,

An act to remove the civil disabilities of Baldy W. Taylor;

A bill, to be entitled,

An act to authorize the same person to hold both the offices of circuit and probate clerk in Sunflower county;

A bill, to be entitled,

An act prescribing the time of holding the probate court for Issaquena county, and for other purposes therein mentioned;

A bill, to be entitled,

An act to change the name of Elizabeth Vines, to Elizabeth George Wilson;

A bill, to be entitled,

An act to change the time of holding the probate court of Hancock county;

A bill, to be entitled,

An an act to legalize the sale and purchase of the 16th section of township 7, of range 9 east, being in Scott county, Mississippi, which section was sold on the 25th November, 1839, and purchased

by John C. Thomas, Jesse Thomas and others, not jointly but severally.

The house resolutions to congress relative to the erection of light houses;

Was read the second and third time forthwith, and passed.

The house bill, to be entitled,

An act to declare Line creek a navigable stream;

Was read the second time, and ordered to be engrossed for a third reading on to-morrow.

Mr. Harris moved for a re-consideration of the vote just taken on the senate bill relative to Henry Lee, a free man of color, of Warren county;

Which was decided in the negative.

The house bill entitled,

An act better to provide for assessing and collecting taxes in certain counties therein named, and for other purposes;

Was read the second time; and,

On motion of Mr. Connell,

Referred to the committee on ways and means.

The house bill, entitled,

An act to define the powers of the board of police of Covington county, relative to the 3 per cent. fund;

Was read the second time, and ordered to be engrossed and made the special order of the day for 12 o'clock to morrow.

The following communication was presented to the house from the auditor of public accounts, viz:

AUDITOR'S OFFICE,
Jackson, January 27, 1846.

Hon. James Whitfield, Speaker of the house of representatives:

I have this day been applied to, to issue a warrant for about $704 by virtue of a law, passed at the present session, for the relief of William Morris. The law was passed for Mr. Morris' relief, to enable him to refund to the governor the above sum, drawn by the governor, heretofore, to reimburse warrants said to have been burned and defaced while in the possession of James Wade. The applicant for the warrant to-day, deposited the burnt or defaced warrants with me, and after a careful examination of them, I find that they only amount to one hundred and fifty-six dollars and seventy-seven cents. From the manner in which said warrants

were burnt, defacing the numbers, amounts, name of the drawer and department of expenditure, convinces me that the same is a base fraud upon the state by said James Wade, by which he has defrauded the state, if the act for Mr. Morris' relief be carried into effect, of about $547.

Most respectfully,

Your obedient servant,

JAMES E. MATTHEWS,

Auditor of Public Accounts.

On motion of Mr. Cushman,

The communication was referred to a select committee of three consisting of Messrs. Cushman, Totten and Simrall.

On motion of Mr. Alcorn,

No. 116 was called from the orders of the day, and made the special order of the day for committee of the whole on to-morrow at half-past 11 o'clock.

Mr. Cushman offered the following resolution:

Resolved, the senate concurring, that the auditor of public accounts be instructed not to issue a warrant for the sum of about $700, in accordance with the provisions of a bill, passed by the present legislature, for the relief of Wm. Morris, until investigation be made into that subject.

On motion of Mr. Cushman,

The rule was suspended and the resolution adopted.

On motion of Mr. Allen,

Resolved, That the thanks of this house be tendered the commissioners of the rail road, and the citizens of Vicksburg, for their kind invitation to visit their city, and also for the cordial hospitalities with which the members of this house were treated, during their sojourn in said city.

Mr. McCaughan offered the following resolution:

Resolved, That the committee on education be instructed to inquire into the expediency of reporting a bill, supplementary to an act, establishing a state university in this state, establishing seminaries of learning as auxiliaries to the state university, to be located at different suitable places throughout the state, and put in operation by an appropriation from the seminary fund, of $——— to each of said auxilliary seminaries, subject to the general supervision and control of special subordinate boards of trustees, of 5 members

each, to be appointed by each of said auxiliary seminaries.

Mr. Cushman moved its indefinite postponement.

Pending said motion,

On motion of Mr. Harris,

The house adjourned.

WEDNESDAY, JANUARY 28, 1846.

The House met pursuant to adjournment.

Mr. Totten, from the judiciary committee, to whom was referred a resolution of the house, instructing said committee to inquire into the expediency of so amending the laws as to authorize sheriffs and other officers, to apprehend fugitives from justice in any county in this state, &c., reported,

A bill, to be entitled,

An act to define the manner of issuing warrants against offenders charged with the commission of felony;

Which was read the first time, and the report received and agreed to.

The following message was received from the senate, by Mr. Wilcox, their secretary:

Mr. SPEAKER—The senate have passed a bill from the house of representatives of the following title:

A bill, to be entitled,

An act to authorize and empower the probate court of Hinds county, to appoint some suitable person or persons to be guardian or guardians to John Morrison of said county; and for other purposes;

And have made an amendment thereto;

In which I am instructed to desire the concurrence of the house of representatives.

Mr. Totten, from the judiciary committee, to whom was referred a resolution of the house, instructing the committee to inquire into the expediency of so amending the laws in relation to justices of the peace, &c., reported,

A bill, to be entitled,

An act to define in what justices districts suit may be brought;

Which was read the first time, and the report received and agreed to.

Mr. Sessions from the joint standing committee on enrolled bills, made the following report, viz:

Mr. Speaker—The joint standing committee on enrolled bills, have this day examined,

An act to legalize the sale and purchase of the 16th section of township 7, range 9 east, lying in Scott county, Mississippi, which section was sold on the 25th November, 1839, and purchased by John C. Thomas, Jesse Thomas, Joshua Flord and T. M. Pethick, not jointly, but severally;

An act prescribing the time of holding the probate court for Issaquena county, and for other purposes therein mentioned;

An act authorizing the same person to hold both the offices of circuit and probate clerk, in Sunflower county;

An act to change the time of holding the probate court in Hancock county;

An act to remove the civil disabilities of Baldy W. Taylor;

An act to change the name of Elizabeth Vines to that of Elizabeth George Wilson;

An act to authorize the president and selectmen of the town of Macon, to make titles to the south half of fractional block No. 7, in said town;

An act to authorize the boards of police for the several counties in this state to establish, change and alter the districts for the election of justices of the peace and constables;

And have found the same correctly enrolled.

The following message was received from his excellency the governor by Mr. Nicholson, his private secretary:

Correspondence between Hon. R. J. Walker and his Excellency A. G. Brown, in relation to the appointment of U. S. Senator.

To the House of Representatives:

The following resolution has this instant been placed in my hands by a committee of the House of Representatives:

Resolved, That a select committee of three be appointed, whose duty it shall be to wait upon His Excellency the Governor, and request of him all the official correspondence between himself and Robert J. Walker, Esq., in relation to the appointment of a

U. S. Senator to fill the vacancy occasioned by the resignation of the said Robert J. Walker, Esq.; and that the said committee report the same to this House, at its earliest convenience.

Be it further resolved, That in the opinion of the Legislature, Gov. Brown should accompany the correspondence with a statement of the instructions given by him to Dr. Tate, the bearer of the commission to Washington city with, such other explanations as he may deem proper.

There appears to be no good reason why I should depart in this instance, from the ordinary usage of transmitting my communications directly to the House. I have thought proper, therefore, to send this paper through the officer appointed by me to convey it, instead of the committee appointed under the above resolution.

The call is limited to the OFFICIAL correspondence; but as Mr. Walker has requested me to "*show his letter to any member of the Legislature who may desire to see it, and to publish it if necessary*," I send the whole corresponcence, both public and private, so far as it relates to the subject embraced in the resolution before me. The following letter was received by me through the mail:

WASINGTON CITY, Feb. 11, 1845.

His Excellency A. G. Brown, Governor of the State of Mississippi:

SIR: I hereby tender you the resignation of my seat as a Senator of the United States, from the State of Mississippi, to take effect from and after the 10th of March next.

Very respectfully your ob't serv't,

R. J. WALKER.

A private letter was received by me, by the hands of Dr. Tate, from which I make the following extract:

WASHINGTON CITY, Feb. 11, 1845.

DEAR SIR: I write to you in the confidence of friendship, personal and political, *and for your eye alone*. In consequence of the failure to elect Senators in Tennessee, Virginia and Indiana, the senate will stand, on the 4th of March next, 25 democrats, 24 whigs, and 3 vacancies. In the event of my withdrawal, it will stand 24 whigs, 24 democrats and 4 vacancies. The Vice President will have the casting vote; but unfortunately, it is feared he will have no vote in the election of officers of the Senate,

such as printer. If then my seat be vacated and no person appointed in my place, we cannot elect a democratic printer, and the party will sustain very great, perhaps irreparable injury. It seems to be the universal opinion, here, that I am to be withdrawn from the Senate by an executive appointment, such as my friends will insist on my accepting, and in fact demand of me, as an act of justice to them and to the democratic party of Mississippi. No one knows better than yourself, that I am perfectly satisfied with my place in the Senate, and do not desire to change it, but such seems to be the aspect of the case, that I will be compelled to yield my own desires to the wishes of my friends.

I have determined to resign my seat in the Senate, and it becomes necessary that you should fill it *immediately*. The appointment, although dated of course on the day when you sign it, must be filled up by you to take effect from and after the 10th of March, 1845. You may accept this as a tender of my resignation, to take effect as above, but a more formal tender will be sent to you, as also handed sealed, to one of your friends in this city, to meet you, should you come on. It would be best that you should come on immediately, without one hour's delay, with a commission in your pocket, to be delivered here by you to meet the contingency, should it happen. I trust you will come on to ascertain the contingency, and select some one here on the spot, to take his seat in the Senate at once, and who will go with the real friends of the President in voting for a printer. Dr. Gwin we all think, who have conversed together, might be surely relied on, and so think some of the special friends of the President, and it is at their request that he agrees, as he informs me, to accept the appointment temporarily, not designing to become a candidate before the Legislature for the station. The Doctor will accept only to prevent the defeat of Col. Polk's administration in the election of a printer, assuring me that he does not desire the station, having other views which he desires to carry out, and which can only be done by his withdrawal from the Senate in March next. You may converse freely, and rely with implicit confidence on the statements of my friend Dr. Tate.

Yours most truly,

R. J. WALKER.

Gov. A. G. Brown.

The above is a correct transcript of Mr. Walker's letter, omitting a few sentences no way relating to the commission of his successor, or his own resignation. The day after its reception, I forwarded a package to Mr. Walker, containing a commission for Mr. Jacob Thompson, and some letters. I insert a copy of the commission, and the *official* letter.

ALBERT G. BROWN,

GOVERNOR OF THE STATE OF MISSISSIPPI,

To whom it may Concern:

KNOW YE, That I have this day appointed Hon. Jacob Thompson, of the county of Lafayette, and State of Mississipi, to fill the vacancy in the Senate of the United States, occasioned by the resignation of the Hon. R. J. Walker, a Senator from the said State of Mississippi, to serve the unexpired term of said Walker, or until he shall be superceded by an election of the Legislature of this State. The appointment of said Thompson to take effect and be in force from and after the tenth day of March, 1845.

Given under my hand and the great seal of the
[L. S.] State of Mississippi, at the City of Jackson, February 21st, 1845.

By the Governor, A. G. BROWN.

WM. HEMINGWAY, *Sec'ry of State.*

EXECUTIVE CHAMBER,
City of Jackson, Mi., Feb. 21st, 1845.

Hon. Jacob Thompson, Washington City:

SIR: Hon. R. J. Walker having resigned his seat in the Senate of the United States, it becomes my duty to supply the vacancy thus created, by appointment. In consideration of your long and faithful services in the House of Representatives, and the strong hold which I know you have upon the confidence and good opinion of the people of this State, I have felt that the public interest would be subserved, and the public feeling gratified by your appointment. You will receive with this letter, a commission, the acceptance of which, will be gratifying to me, and satisfactory, I have no doubt, to the people of this State.

Very respectfully your ob't serv't, &., &c.,

A. G. BROWN.

This package contained two *private* letters, one to Mr. Walker, and one to Mr. Thompson. I have never been in the habit of keeping copies of my private letters, and kept none of these. Copying official papers is found to be somewhat toilsome, when taken together with the current duties of the Executive office. From some notes made at the time, I am enabled to transmit the subjoined letters, *which, in all material points, conform to the originals.*

JACKSON, MISS., Feb. 21, 1845.

Hon. R. J. Walker:

DEAR SIR: After the calmest consideration which I have been enabled to give your letter by the hands of Dr. Tate, I have felt constrained to decline appointing Dr. Gwin. In doing so, Dr. Gwin knows, and so do you, that I am actuated by no feeling of unkindness towards him personally or politically. He has done much for the success of the democratic party; much more indeed, than many have been willing to give him credit for. But it is very apparent, that with a considerable number of democrats Dr. Gwin is in bad odor. With all such, his elevation to the Senate at this time, would be the signal for attack. The opponents of Dr. Gwin may not constitute a majority of our party, but they are not the less formidable on that account. I speak what I absolutely know, when I say that his enemies will assail him most vehemently as certainly as he is appointed. The friends of Dr. Gwin would defend him. My friends would probably feel called on to defend the appointment. Thus we should have assaults on one side, and defences on the other, engendering the worst possible state of feeling; and under such circumstances it would be wonderful, if the democratic party was not the greatest sufferer.

Dr. Gwin may not shrink from such assaults. I do not intend to intimate that he should do so, but he ought not to covet them at the expense of harmony in the democratic ranks. I am sure if you and the other friends of the administration could see things here as as I see them, you would not ask this appointment; and I have had too many occasions to admire the self-sacrificing spirit in which Dr. Gwin has acted, to suppose he would now accept a more temporary appointment like this, at the expense of his party.

I still entertain a hope that you may remain in the Senate; and in this hope I have not announced the reception of your resignation, and will not until I hear from you again. It is discretionary with you to accept any appointment which may be offered you, or remain in the Senate, and to this end you may withdraw your resignation any time before the tenth day of March. You may possibly not get such a place from the President as your friends will be satisfied to have you accept; and in such contingency, it will be most gratifying to your numerous friends in Mississippi, that you remain in your place. Your long experience, talents and high standing, give you advantages which we should not have in the person of a new Senator, and for these reasons your constituents are unwilling to part with you, unless you are transferred to a theatre of greater usefulness. I have felt embarrassed in making the appointment of your successor, and nothing but the state of things in the Senate, which you represent, could have induced me to act at this time; and then after all it may turn out that the contingency of which you speak, may not happen. I hope you may review your present determination, and remain where you are; but if you finally resolve to quit, I must ask of you to write to me to that effect, before you hand the enclosed commission to Mr. Thompson. In case you deliver the commission, you will deliver the letters also. On the whole, I do not know what better to do, not knowing what contingency may happen when the commission reaches you, than to say, act according to circumstances. Should you determine to remain in the Senate, as you are left at liberty to do, the commission which I send you, will be destroyed or returned to me.

Very respectfully your ob't serv't,

A. G. BROWN.

JACKSON, Mi., Feb. 21st, 1845.

Hon. J. Thompson:

DEAR SIR: Mr. Walker has intimated to me his intention to withdraw from the Senate; I have not yet accepted his resignation, in hopes that he may yet review his determination and remain where he is, and at the writing of this letter, I have left the subject open for his farther reflection. His valuable services ought not to be lost to the State and nation, by his withdrawal, but he

may determine to pursue his present purpose. Besides the withdrawal of Mr. Walker, at this time, is likely to involve us in difficulty. You have always been a fast friend of the cause, and I wish you to act in concert with me to keep things out of perplexing entanglements. Your present term expires on the 30th of March. Mr. Walker does not go out, if he goes at all, until the 10th of March. I have therefore ventured, unsolicited by you, or your friends, to send you a commission as United States Senator, after the 10th of March, in the hope that you will consent to take your seat in the Senate, at least during the executive session.

You may not choose to surrender your place on the Congressional ticket for the more doubtful chances of an election to the Senate, and I will not embarrass you as to choice of positions, further than can be avoided. Nothing will be said here about your appointment, or Walker's resignation, until I hear from you. In your letter of acceptance, if you accept at all, you can take your own position before the country, either resuming your place on the Congressional ticket, or take the chances for the Senate.

I am well satisfied if you take your position at once; your accepting the appointment cannot injure you. I feel disposed to appoint some one at Washington. You are the oldest member of Congress; you have been three times elected, and always by an increased vote, giving earnest that the people have confidence in you. These considerations influenced me to give you the appointment. What you will do with it, I leave to your own decision, with the simple suggestion, that your acceptance of it, during the executive session at least, cannot injure you. Not knowing whether Mr. Walker will consent to remain in the Senate, or whether you will accept the commission, I have deemed it most proper to say nothing about the resignation or appointment until I hear from Washington. I must, therefore, urge you to write me your determination instantly, on its being made, and before you present your credentials to the Senate, for I do not want the first intelligence of your appointment to reach us in the newspapers.

Yours very truly,

A. G. BROWN.

From these letters I received no intelligence for several weeks Mr. Walker's letter apprising me, that he had withheld the commission, &c., and giving the reasons why he had done so—having

been miscarried in the mail. When I sent the commission to Mr. Walker, I expected (and so meant to be understood,) if Mr. Walker withdrew from the Senate, that he was to deliver the commission to Mr. Thompson. It never occurred to me that any thing else could be done with it, and I may, on that account, have been less explicit in my instructions, than I should have been. When I said, "*not knowing what contingency may happen, &c.,*" I meant to be understood as referring to his withdrawal from the Senate, for an executive appointment. Mr. Walker understood me, he says, to have reference to the contingency mentioned in his letter, to-wit: the election of a printer. And when I said, "*act according to circumstances,*" I meant, "*if you get an appointment which is satisfactory to yourself and friends, take it; and if you do not, remain where you are.*" Mr. Walker understood the *circumstances according to which* he was to act, to mean, if the vote of his successor was necessary in the election of a printer, then he was to deliver the commission; and if not, he was at liberty to withhold it. So at least Mr. Walker says, and so I believe.

Indeed it never occurred to me, that Mr. Walker was to do any thing else, than either keep the seat himself, or deliver the commission to Thompson. When I said, "*after all, the contingency of which you speak, may not happen,*" *&c.*, I meant simply to be understood as expressing a regret that I should be embarrassed with the appointment, if after all, it should turn out that there was no necessity for it. Mr. Walker mistook his discretionary power to extend to withholding the commission, *if it should so turn out.* It will be remembered that the private letters to Walker and Thompson, are not here introduced as literal transcripts, but as letters containing the *material substance* of the originals. Of the originals, I have before said, I have no copies. Mr. Walker is at perfect liberty to publish them as they were written, or any one who is curious on the subject, may procure them for publication, by applying to him.

It is entirely proper for me to say, that Mr. Walker has more than once expressed to me, the opinion in private letters, that the commission was illegally issued, in-as-muchas I had not accepted his resignation, and that he had failed to make a defence on this ground, lest he should involve me.

I believed the issuance of the commission legal at the time, and I think so now, and I can but express my deep regret that Mr. Walker's consideration for me, should have induced him to forego any advantage which a defence on this ground would have given him. The act, whether legal or illegal, was my own, wholly and entirely my own; unadvised by any living creature, and if it involves consequences of odium, THEY ARE MINE, AND NO MAN SHALL SHARE THEM WITH ME. As the act was mine, I court the entire responsibility. I am asked to state my instructions to Dr. Tate. I am not aware that I gave him any instructions inconsistent with the above letters, or that I instructed him to do any thing more than deliver the package to Mr. Walker, and to urge upon Walker the importance of communicating with me promptly on the subject. If he was charged with any thing more, it has escaped a somewhat treacherous memory.

I have thus submitted to the House, every material fact connected with this matter. Attempts have been made to injure me in connection with it. In reference to all such attempts, I have only to say, my own conscience acquits me of every design other than that of serving the best interests of the country, and I shall consult no other monitor in regard to the rectitude of my own conduct; nor will I be deterred from saying what I have always believed to be true, that Mr. Walker has not acted from any unworthy motive. He mistook my wishes and instructions in regard to the commission; this no one regretted more than myself, but I acquit him, as I have always done, of all sinister intentions, and of every improper design.

A. G. BROWN.

EXECUTIVE CHAMBER,
27th January, 1846.

Mr. Connell, from the joint standing committee on claims, to whom was referred,

The senate bill, entitled,

An act for the relief of Isaac Chrisman, and for other purposes;

Reported the same back to the house without amendment, and recommended its passage;

Which was received and agreed to, the bill read the third time and passed with its title as stated.

Mr. Wade, from the committee on ways and means, to whom was referred,

A bill, to be entitled,

An act better to provide for assessing and collecting taxes in certain counties therein named, and for other purposes;

Reported the bill back to the house without amendment, and recommended its passage;

Which was received and agreed to,

And the bill ordered to be engrossed for a third reading on to-morrow.

Mr. McDonald, from the select committee, to whom was referred the petition of sundry citizens of Jasper county, praying that a special law may pass, permitting Cecela, a free woman of color, and her children, to remain in the state of Mississippi, reported unfavorable to the same;

Which was received and agreed to.

Mr. Allen, from the select committee, appointed for the purpose of waiting upon his excellency the governor; and requesting the official correspondence between himself and Robert J. Walker, Esq., in relation to the lost senatorial commission, reported that they have fulfilled that duty and that the governor will make a communication on that subject in writing, and asked to be discharged from the further consideration of the subject;

Which was received and agreed to,

And the message of the governor read.

Mr. Totten moved to print 1,000 copies of the message;

Which was carried.

The following message was received from the senate, by Mr. Wilcox, their secretary:

Mr. Speaker—The senate have concurred in the resolution from the house, instructing the auditor not to issue a warrant for the sum of $700, in accordance with the provisions of a bill passed by the present legislature, for the relief of William Morris, until investigation be made into that subject.

Mr. Harrison, by leave, introduced,

A bill, to be entitled,

An act to define the fees of judges of probates in certain cases, and for other purposes;

Which was read the first time.

Mr. McCaughan, by leave, introduced,

A bill, to be entitled,

An act to change the name of Rachael Laura Randall, to that of Laura Randall Taylor;

Which was read the first time.

On motion of Mr. McCaughan,

The rule was suspended, the bill read the second and third time forthwith, and passed with its title as stated.

Mr. Binford, by leave, introduced,

A bill to be entitled,

An act to incorporate Black Hawk male and female academies;

Which was read the first time.

On motion of Mr. Binford,

The rule was was suspended, the bill read the second and third time forthwith, and passed with its title as stated.

Mr. Hinds, by leave, introduced,

A bill, to be entitled,

An act to amend the attachment laws of this state;

Which was read the first time.

On his motion,

The rule was suspended, the bill read the second time, and referred to the judiciary committee.

Mr. McNabb offered the following resolution:

Resolved, That it is the sense of this house, that governor Brown stands honorably acquitted of any just imputation in regard to the lost commission.

Mr. McCaughan offered the following amendment:

Amend, by inserting after A. G. Brown, "and R. J. Walker."

Before the question was taken,

On motion of Mr. Harris,

The whole subject was laid on the table.

Mr. Allen offered the following resolutions:

Resolved, That Robert J. Walker, Esq., in attempting to dictate to the executive of this state, and in withholding the senatorial commission from Hon. Jacob Thompson, has basely betrayed the confidence of the people and justly deserves the lasting scorn and burning indignation of every Mississippian;

Resolved, That the president of the United States be and is hereby requested to discharge the said Robert J. Walker from the

office of secretary of the treasury, he being unworthy in the estimation of this people, to hold said office;

Resolved, That a copy of these resolutions be sent to the president of the United States.

Mr. Totten moved to lay the resolutions on the table;

Which was decided in the affirmative by yeas and nays, as follows:

Those who voted in the affirmative, are,

Mr. Speaker, Messrs. Abbott, Adams, Archer, Bailey, Beene, Berry of Simpson, Berry of Tippah, Brooks, Binford, Bynum, Campbell, Cannon, Carson, Chambers, Chewning, Connell, Cowan, Crain, Cypert, Dilworth of Monroe, Dilworth of Tishemingo, Farrar, Fontaine, Frost, Gibbs, Gilleland, Greaves, Griffin, Guy, Harris, Harrison, Hinds, Holleman, Hughs, Huie, Hyneman, Kennedy, Leigh, Lemly, Leonard, Loper, Malone, Maxcy, McAfee, McCaughan, North, Pendleton, Pettus, Potts, Randall, Robertson, Rossman, Sharkey, Simmons, Simral, Smith of Washington, Smyth of Winston, Stewart, Thompson, Torrey, Totten, Walker, Weathersby and York—70.

Those who voted in the negative, are,

Messrs. Allen, Beaty, Binford, Emanuel, Fowles, Green of Hines, Netterville, Pope, Rogers, Rushing, Sessions, Spann and White—13.

On motion of Mr. Pendleton,

Resolved, That the committee on ways and means be requested to inquire into the expediency of making provisions for the payment of the planters' bank bonds, at this session of the legislature, and report by bill or otherwise.

Mr. Simral, by leave, introduced,

A bill, to be entitled,

An act to repeal an act approved 25th January, 1841, entitled an act to prevent unnecessary charges against debtors, and for other purposes;

Was read the first time.

On motion of Mr. Simral,

The rule was suspended, the bill read the second time, and referred to the judiciary committee.

The unfinished business was then taken up, viz:

Mr. Cushman's motion to indefinitely postpone the resolution of

Mr. McCaughan, instructatory to the committee on education.

The question was taken on Mr. Cushman's motion, and decided in the negative by yeas and nays, as follows:

Those who voted in the affirmative, are,

Mr. Speaker, Messrs. Abbott, Bailey, Beene, Berry of Tippah, Binford, Buford, Campbell, Cannon, Carson, Connell, Cowan, Cushman, Dilworth of Monroe, Dilworth of Tishemingo, Emanuel, Ewing Farrar, Fontaine, Fowles, Gibbs, Greaves, Griffin, Guy, Harrison, Hinds, Holleman, Hyneman, Kennedy, Leigh, Malone, Maxcy, McNabb, Millsaps, Moore, Pettus, Potts, Robertson, Rogers, Smyth of Winston, Totten, Walker and Young—43.

Those who voted in the negative, are,

Messrs. Adams, Allen, Archer, Beaty, Berry of Simpson, Brooks, Bynum, Chambers, Chewning, Crain, Cypert, Foster, Frost, Gilleland, Green of Hinds, Harris, Hughes, Huie, Lemly, Leonard, Loper, McAfee, McCaughan, McInnis, Moody, Nash, Netterville, Pendleton, Randall, Rossman, Rushing Sessions, Sharkey, Simmons, Simrall, Smiley, Smith of Washington, Spann, Stuart, Thompson, Torrey, Wade, Weathersby and White—44.

Mr. McCaughan moved to fill the first blank in said resolution, with the No. 8.

Mr. Maxcy proposed the No. 59.

Mr. Farrar moved the postponement of the whole subject until the first of June next.

Mr. Bailey moved to lay the whole subject on the table, which motion having precedence, was taken and decided in the negative.

The question was then taken on Mr. Farrar's motion to postpone, and decided in the negative.

Mr. Campbell moved to postpone the further consideration of the subject until 12 o'clock on Saturday next, and decided in the affirmative.

The following message was received from his excellency the governor, by Mr. Nicholson, his secretary:

Mr. Speaker—His excellency the governor, has instructed me to inform the house of representatives, that he has this day approved and signed bills which originated in the house of representatives, of the following titles:

An act in relation to the bonds of coroners;

An act to authorize the selling of the real estate of Benjamin F. Herbert, deceased;

An act to authorize and require the trustees of schools and school lands in the city of Columbus, in township 18 south, of range 18 west, to execute deeds to lots of less dimensions than one fourth of an acre, and for other purposes;

An act to incorporate Silas Brown lodge No. 65, and the Mississippi lodge No. 56, at the town of of Rodney, of free and accepted masons;

An act granting additional powers to the mayor and selectmen of the city of Natchez;

An act to legalize the marriage of John C. Lucas and Alpha Strickland, of the county of Covington;

An act to amend an act of the Mississippi territory, of March 10, 1803, revised and amended by an act of December 9, 1809, incorporating the city of Natchez, and the several acts supplemental thereto.

The following communication was received from the state treasurer:

TREASURER'S OFFICE,
28th January, 1846.

To the Legislature of the State of Mississippi:

I herewith transmit to you a communication from J. E. P. Hammond, by his attorney in fact, accompanied by six depositions. I have carefully examined his different allegations in their support. Two of the allegations, to wit: first, that the warrant for ninety-five dollars is now in the treasury; and secondly, that the warrant for $1628 40 was funded for John T. Hull, is of my own knowledge. The other allegations appear to be well supported by testimony. In addition to the evidence presented by Mr. Ware, the attorney in fact of said Hammond, I would state that there are no other claimants for the warrants specified in said communication; and that on the trial of the suit in Carroll circuit court, last fall, wherein the state of Mississippi was plaintiff, and the securities of R. S. Graves, late treasurer of the state of Mississippi, were defendants, I exhibited those warrants to the court, together with their history. The court refused to recognize them as belonging to Graves, and therefore they were not passed to Graves' credit. They bear no evidence of an intention to cancel them, for the

word *paid* is not wrote in the face, nor is there any mark of cancelment. Upon a careful investigation of the premises, I am conducted to the conclusion that the warrants referred to, are of right the property of J. C. P. Hammond But as the legislature is now in session, and being unwilling unnecessarily to assume responsibility when it can be avoided, I have deemed it most prudent to lay the whole matter before you, and ask you to give me instructions upon the subject.

I have the honor to be,

Your obedient servant,

W. CLARK,

State Treasurer.

JACKSON, January 21st, 1846.

To Wm. Clark, Treasurer of the State of Mississippi:

DEAR SIR:—The warrants of the old issue which you reported to the legislature at its July session, '43—to have been left by R. S. Graves, in the treasury department, I find to be my property.

They are the following numbers and dimensions, to-wit:

No. 737,	Issued,	1840,	for		$ 88 00
" 407,	"	"	"		104 00
" 388,	"	"	"		56 00
" 1419,	"	"	"		14 64
" 2107,	"	"	"		45 20
" 358,	"	1839,	"		77 34
" 432,	"	"	"		69 12
" 502,	"	1840,	"		99 00
" 1443,	"	"	"		40 00
" 1199,	"	"	"		40 00
" 355,	"	"	"		240 00
" 1435,	"	"	"		100 00
" 75,	"	"	"		50 00
" 2080,	"	"	"		50 00
" 743,	"	"	"		50 00
" 1682,	"	"	"		10 00
" 1667,	"	"	"		10 00
" 1869,	"	"	"		10 00
" 2094,	"	"	"		10 00

No. 1282,	Issued,	1840,	for		$10 00
" 1733,	"	"	"		5 00
" 2063,	"	"	"		5 00
" 1152,	"	"	"		5 00
" 967,	"	"	"		5 00
" 1659,	"	"	"		5 00
" 997,	"	"	"		20 00
" 1961,	"	"	"		20 00
" 1958,	"	"	"		20 00
" 897,	"	"	"		20 00
" 1797,	"	"	"		20 00
" 1272,	"	"	"		20 00
" 1664,	"	"	"		10 00
" 993,	"	"	"		10 00
" 1159,	"	"	"		10 00
" 1640,	"	"	"		10 00
" 1479,	"	"	"		10 00
" 1662,	"	"	"		10 00
" 1686,	"	"	"		10 00
" 892,	"	"	"		10 00
" 1687,	"	"	"		10 00
" 787,	issued to Claborne Kyle, in 1840, for				95 00

I learn that neither the state nor any person but myself pretend to any claim to the above warrants; that they were not counted to the credit of R. S. Graves, nor regarded as his assets; neither funded, nor paid by the state.

The warrant No. 787, with others, I had placed in the hands of Mr. T. P. Ware, in December, 1842, and requested him to use his discretion in having them sold for cash, or having them funded; for this, see proof herewith, marked No. 1 and 2. Accordingly Mr. Ware handed it, with others, to the late Wm. H. Shelton, to sell; said Shelton never sold it or made any return or compensation for it, but soon after died, leaving it in the care of said Graves, as stated above. To this, see proof marked No. 3.

A warrant, No. 559, issued to W. C. Demoss in 1840, for $1,628 and 40 cents, passed into the hands of said Shelton, in the same manner of the above—[see proof Nos. 1, 2 and 3.] Said warrant was left by said Shelton, before his death, in the hands of

R. S. Graves—not sold or assignment to him, nor any one else—[see proof No. 4.]

The object of Shelton in leaving said warrant in the treasury with said Graves, was to get him to give him small warrants for it as soon as the small ones to that amount came into the treasury, [see proof No. 5.]

Afterwards, on the 9th March, 1843, John T. Hull put in the hands of Graves, divers small warrants to be funded to amount of about $1728. Graves funded my $1628 warrant to credit of said Hull, and placed the small warrants above described, (except No. 787,) as received from Mr. Hull in a separate drawer *for Shelton*, as I have no doubt—[see proof No. 6 and 3; and see also, the entry on the funding book.]

Besides the above proofs which I here submit to your examination, I also refer you to the testimony of Col. Jas. E. Matthews, in proof that it was Graves's habit to fund large warrants to the credit of those bringing in small ones, either to save labor in writing, or for the accommodation of those wanting change for the large ones.

Hoping this statement and proofs may authorize you consistently, with law and duty, to deliver to me the warrants above listed,

I remain, very respectfully,

your obedient servant,

J. C. P. HAMMOND.

by T. P. WARE, *Att'y in fact.*

T. P. Ware personally appeared before the undersigned, justice of the peace, and made oath that the facts above stated, are true to the best of his knowledge.

Given under my hand and seal this 22d January, 1846.

T. P. WARE.

J. P. OLDHAM, J. P. [L. S.]

PROOF No. 1.

HOME, December 14, 1842.

MY DEAR SIR:—With regard to the warrants left with you by David, I am unable to decide what course would be best to pursue,

but as your opportunities are much better than mine, in finding out every thing that would bear on a correct course, I must ask of you to do with them as you think best, hoping you will act with them as your own. David has told me the reasons which led you and himself to the course pursued, and there is only one other point that I can see, that has any bearing on a decision, (which he says was not mentioned,) 'tis this: in the event of a repeal of that law, would not the warrants funded, be placed on a footing with those that are not funded? If they would, I should think funding would be best.

Whether or not the subsequent (already) issues with those constantly being issued, are not sufficient to pay the taxes for a number of years, is a matter which I hope you will consider with as much information on the subject as you can get from your friend the auditor. In either event, I wish you to send them to me by George Fearn, as I may wish to raise some money by hypothecating them. Would there be a chance to purchase negroes with them?

For any trouble you may be at with my business, I shall feel grateful and ever remember.

Yours very truly,

J. C. P. HAMMOND.

T. P. Ware personally appeared before the undersigned justice of the peace in and for said county, and made oath that the date and writing and signature of J. C. P. Hammond to the above letter, are genuine.

Sworn to and subscribed before me, January 23d, 1846.

T. P. WARE.

J. P. OLDHAM, J. P. [L. S.]

PROOF No. 2.

NEAR HUNTSVILLE, April 30, 1843.

DR. WARE:—I have just seen your letter to H. by his brothers. Having placed the warrants in your hands myself, and therefore feeling much concern about them, and partly by Hammond's request, I hasten to write.

We preserved a description of the warrants, by way of security

against any accident that might befal me on the way. In other persons presence, we compared it with the warrants. This was done the day I started down. So far as your receipt goes, it corresponds with this description:

No. 487,	S. D. Howell,	$ 500 00
" 485,	Thos. K. Gibbons,	509 00
" 559,	Wm. C. DeMoss,	1,628 40
" 158,	John Gibbons,	160 00
" 166,	Rogers & Skates,	120 00
" 798,	L. R. Guy,	94 00
" 148,	J. R. Biggar,	98 25
" 787,	Claborne Kyle,	95 00
" 182,	S. D. Howell,	157 00
		$3,353 65

This is a correct copy of the memorandum now in Hammond's possession.

Yours, &c.,

D. SHELBY,

P. S. Direct to Huntsville.

T. P. Ware personally appeared before me the undersigned justice of the peace, in and for Hinds county, and made oath that the date, writing and signature of D. Shelby to the above letter, is genuine.

Sworn to and subscribed before me this 23d, January, 1846.

T. P. WARE.

J. P. OLDHAM, J. P. [L. S.]

PROOF No. 3.

Thompson P. Ware, being duly sworn, saith, that he is not interested directly nor indirectly, nor under any liability on account of these warrants. That the warrant of the issue of 1840, issued to Claiborne Kyle for $95, and numbered No. 787, was placed in his hands (among other old warrants) by D. Shelby for J. C. P. Hammond, on the 2d December, 1842, with the request that said Ware would sell said warrants for cash, or fund them as said Hammond might afterwards direct. That he was directed to sell

there at not less than 50 cents on the dollar, over [illegible] discretion. That he placed said warrant in the hands of the late Wm. H. Shelton, to sell as above, and pay over to said Ware. That said Shelton has not sold or disposed of the same, otherwise than leaving said warrant with R. S. Graves, in the treasurer's office, as this affiant believes. That on examination, this affiant finds among some loose warrants in the treasury department, the identical warrant above described, which he knows to be the same as placed by him in the hands of said Shelton, and that no return of any kind has ever been made for it; that it is not funded on the books of the state, or marked paid; that it is not claimed or treated as assets of said Shelton or Graves, or claimed by any one else.

Besides the warrant above described, there are also in the treasury department about 40 warrants mostly of small dimensions, and amounting in all to about $1,197 59, which this affiant believes and states to be in part the change which the late treasurer Graves gave said Shelton for the warrant No. 559, issued to W. C. DeMoss, in 1840, for $1,628 40 said warrants are enveloped in a paper, and marked thus: "1840, various pay warrants found loose in small drawer, in big safe, amounting to $1,456 11, F. S. H."

That said warrant for $1,628 40, (with others,) was placed in the hands of said Ware, at the time and on the terms of the above warrant of 95 dollars; and that said Shelton has never (as this affiant believes and states,) sold or disposed of the above $1,197 59, being part of said warrant for $1,628, otherwise than by leaving said warrants in the care of R. S. Graves, in the treasurer's office. That no return nor any proceeds of said warrant, was ever made by said Shelton; that the amount above described, is not claimed as the property of said Shelton, or Graves, nor is connected with the books of the treasury, as being funded or paid.

This affiant states, that after he saw the statement of said Shelton, made in the hour of his death, to-wit: "that the old warrant for $1,628, was in the treasury, he went to the treasury, to examine for it. He found it funded to the credit of John T. Hull; he immediately saw Mr. Hull, who said he had not funded said warrant; that he never owned or bought it from said Shelton, or any

one else. He then showed this affiant a list of the warrants he had funded, to make the amount of $1,728, which he recollects to have been many in number—being small warrants—and it is his belief, from the above *recollection*, that the said warrants now in said envelope, in the treasury, amounting to $1,197 59, were among the list shown him by said Hull. Said Hull further states, that he could not account for the above facts in any way, unless Graves had given a part of his small warrants to Shelton in change for the large one, and funded the large one to his (Hull's) credit. That this affiant did not, until recently, know of said warrants being in the treasury, and when he called on said Hull for the list of them, it had, in the lapse of three years, been thrown aside and lost.

T. P. WARE.

Subscribed and sworn to before me a justice of the peace of Hinds county, Mississipi.

Witness my hand and seal, this 22d January, 1846.

J. P. OLDHAM, J. P. [L. S.]

PROOF No. 4.

Before I take this last, this dreadful leap, I swear by the living God, that Graves has all the funds I could get. It was invested in state warrants, left with him under the promise, that gold should be paid at par, as soon as the examination was over. All is gone! The only warrants I can describe, which no doubt, are in the treasury, are:

An old warrant, 1628; Tracy warrant, 738, beloning to T. P. Ware.

$875 in warrants, wrapped in Tracy's account, left as collateral security, belonging to W. R. Crane.

I further swear I have not one dollar—my family has.

Mr. Graves has $7,283, and about $4,000 besides. Not one cent have I received, unless it be said $300, borrowed of Mr. Thomas, and $2,290 of E. Graves.

So help me God,

W. H. SHELTON.

30th March, 1843.

STATE OF MISSISSIPPI, }
Rankin County. }

Personally appeared before the undersigned justice of the peace, in and for said county, Thomas J. Coffee, and made oath that the above memorandum signed by W. H. Shelton, and dated 30th day of March, 1843, was found in his hat on the bank of Pearl river, on the day it was written, and not exceeding 30 minutes after he drowned himself. The said memorandum is in the hand writing of said Shelton, and bears his signature, and was found by this affiant in a few minutes, as aforesaid, after he committed suicide. This affiant delayed a half hour at Laban Taylor's, two miles from Pearl river, until the said Shelton wrote the above memorandum, on the day it bears date.

Given under my hand this 14th January, 1846. Subscribed and sworn to before me, this 14th day of January, A. D. 1846.

THOS. J. COFFEE.

J. A. DENSON, J. P. [L. S.]

PROOF No. 5.

A short time before the arrest of R. S. Graves for embezzlement, the late Wm. H. Shelton, in conversation in my presence about state warrants, said that he had one of the old issue for over $1,600, but that he could not get the benefit of it for a day or two, as he had left it with Graves until he (Graves) could get smaller warrants in the treasury, to change it for him.

Given under my hand, &c.

H. HOBBS.

22nd January, 1846.

STATE OF MISSISSIPPI, }
Hinds County. }

Howell Hobbs personally appeared before me the undersigned justice of the peace for said county, and being first duly sworn, saith, that the facts stated by him above, are true as stated.

Given under my hand and seal, this 22nd January, 1846.

J. P. OLDHAM, J. P. [L. S.]

PROOF No. 6.

At the request of Maj. T. P. Ware, I looked over the books of the late treasurer, R. S. Graves, for the purpose of refreshing my recollection as to some state warrants I had funded, while he was in office. I find that on the 20th Feb., 1843, I had a warrant for $4,000, which I remember giving to the treasurer to be funded, and on the 9th of March, I find sundry warrants, amounting to $1,728 and 19 cents, and my recollection is, that I gave him a number more small ones than appear on the book, and that I had none as large as $1,628 40. This is what I now remember about it; it is so long since, that I am unable to recollect the exact warrants paid into the treasury.

JOHN T. HULL.

To Gen. W. Clark, *State Treasurer*.
Jackson 22nd January, 1846.

STATE OF MISSISSIPPI, }
Hinds County. }

John T. Hull personally appeared before me the undersigned, justice of the peace for said county, and being first duly sworn, saith, that the statements, as above made, are true to the best of his knowledge and recollection.

Given under my hand and seal, this 22nd January 1846.

J. P. OLDHAM, J. P. [L. L.]

Which was, on motion of Mr. McNabb,

Was referred to a select committee of 5, consisting of Messrs. McNabb, Green of Hinds, Lemly, Ewing and Pettus.

The following message was received from the senate by Mr. Wilcox, their secretary:

Mr. SPEAKER—The senate have given leave to the introduction of bills of the following titles:

A bill, to be entitled,

An act to alter and amend the 5th section of an act entitled an act to regulate the solemnization of marriages prohibiting such as are incestuous or otherwise, unlawful, passed June 29, 1822;

A bill, to be entitled,

An act to declare Big Bear Creek a navigable stream, and for other purposes;

And have passed the following bills:

A bill, to be entitled,

An act to repeal certain laws in relation to the road hands in Honey Island, in Holmes county;

Resolution appropriating room No. 4, in the basement story of the capitol, to the state commissioner;

A bill to be entitled,

An act to relinquish the claim of the state by escheat, to the estate of William Alfred Cottingham, deceased, in favor of certain persons therein named, and have made an amendment thereto by way of ryder;

A bill, to be entitled,

An act to amend an act entitled an act approved February 24, 1844, entitled an act to amend the several acts of limitation, and for other purposes;

In which I am instructed to desire the concurrence of the house of representatives.

The senate have passed the following bills from the house of representatives:

A bill, to be entitled,

An act for the relief of the heirs of Charles Perkins;

A bill to be entitled,

An act to authorize John Nolen to transcribe the minutes of the circuit court of Choctaw county, and for other purposes;

A bill to be entitled;

An act for the relief of James H. Thompson, guardian of Emeline and William D. King, minor heirs of George R. King, deceased.

On motion of Mr. Maxcy,

The house adjourned.

THURSDAY, JANUARY 29, 1846.

The house met pursuant to adjournment;

And its deliberations were opened with prayer by the Rev. L. J. Halsey, of Jackson.

Mr. Rossman presented the claim of Jacob Black, accompanied with a bill;

Which was referred to the committee on claims.

Mr. Alcorn presented a petition;

Which was referred to a select committee of three, consisting of Messrs. Alcorn, Smith of Washington and Chewning.

Mr. McCaughan presented the petition of sundry citizens of Harrison county;

Which was referred to a select committee of three, consisting of Messrs. McCaughan, Smiley and Randall.

He also presented a petition from the same county;

Which was similarly referred.

Mr. Greaves presented the petition of Louisa Williams;

Which was read and referred to a select committee of three, consisting of Messrs. Greaves, Spann and Sharkey.

Mr. Hinds was permitted to withdraw a petition he had heretofore presented.

Mr. Berry of Simpson presented the memorial of sundry citizens of Lawrence county;

Which was referred to the committee on county boundaries.

Mr. Chewning presented the petition of sundry citizens of Tallahatchie county;

Which was similarly referred.

Mr. Hyneman presented the claim of Robert J. Hindmand;

Which was referred to the committee on claims.

Mr. Leonard presented the claim of George W. Robinson;

Which was referred to the same committee.

The following message was received from the senate by Mr. Wilcox their secretary:

Mr. Speaker—The president of the senate has signed acts originating in the house of representatives, of the following titles:

An act to authorize the same person to hold both the offices of circuit and probate clerk in Sunflower county;

An act to remove the civil disabilities of Baldy W. Taylor;

An act to change the time of holding the probate court of Hancock county;

An act to change the name of Elizabeth Vines, to Elizabeth George Wilson;

An an act to legalize the sale and purchase of the 16th section of township 7, of range 9 east, being in Scott county, Mississippi, which section was sold on the 25th November, 1839, and purchased

by John C. Thomas, Jesse Thomas and others, not jointly but severally.

An act prescribing the time of holding the probate court for Issaquena county, and for other purposes;

Also acts originating in the senate, as follows:

An act to authorize the president and selectmen of the town of Macon, to make titles to the south half of fractional block No. 7, in said town;

An act to authorize the boards of police for the several counties in this state to establish, change and alter the districts for the election of justices of the peace and constables;

Which I am instructed to present to the speaker of the house for his signature.

The following resolution has been adopted by the senate:

Resolved, the house of representatives concurring, that a joint committee of three on the part of the senate, and —— on the part of the house of representatives, be appointed to consider of the propriety of incorporating the town of Lexington in Holmes county, and have appointed on the part of the senate Messrs. Lansdale, Miles and Boone.

Mr. Gilleland presented the petition of sundry citizens of Attala county;

Which was referred to the committee on education.

Mr. White presented the petition of Henry F. Bennett;

Which was referred to a select committee of three, consisting of Messrs. White, Ewing and Carson.

Mr. Harris, from the standing committee on military affairs, reported,

A bill, to be entitled,

An act to establish volunteer companies for the more efficient military organization of this state;

Which was read the first time, and the report received and agreed to.

On motion of Mr. Harris,

The rule was suspended, the bill read a second time, 500 copies ordered to be printed, and made the special order of the day for the committee of the whole on Monday next at 12 o'clock.

Mr. Farrar, from the joint committee on internal improvement, to whom was referred,

A bill, to be entitled,

An act to provide for permanent improvements of internal navigation, reported the same back to the house without amendment, and asked to be discharged from its further consideration;

Which was received and agreed to; and,

On motion of Mr. Gilleland,

Ordered to be engrossed for a third reading on Monday next.

Mr. McCaughan, from the joint standing committee on the penitentiary, made the following report:

REPORT of the Joint Standing Committee on the Penitentiary.

Mr. Speaker:—The joint standing committee on the Penitentiary, having completed their investigations of the condition of that institution, beg leave to report:

That they have diligently enquired into all matters pertaining to that institution, have compared the reports of its various officers with the facts and books as far as was practicable, and find said reports and accounts strictly correct.

Every attention seems to have been paid to keeping the prison clean, comfortable and healthy, and a wholesome moral discipline seems not to have been neglected in the institution.

Your committee finding this institution in a prosperous condition, paying all its annual expenses in every way, and apparently answering fully the expectations of the public, having ceased to be a burthen on the State Treasury, while it prevents the violators of law and morals from committing further offences for a time deemed sufficient to atone for the injury done and reform them for a life of usefulness, have had their attention mostly directed to important changes in the labor of the convicts, so as to remove the just complaints of a large and respectable class of our citizens; and after a careful investigation of this subject, your committee have arrived at the conclusion that the appropriation of the funds now on hand, and such as will necessarily accumulate in the course of a few months, will enable the institution to purchase a good engine of from twenty to thirty horse power and necessary fixtures to put the same into operation, while a portion of the labor of the convicts could be directed to erecting the necessary furnace, and buildings sufficient to contain the machinery at present on hand, to be propelled by such engine, and also allow room to attach such other machinery for manufacturing coarse cotton and woollen goods as would be

sufficient to employ almost the entire labor of the convicts in this branch of industry. So soon as such machinery could be obtained, and in consequence of the great public anxiety manifested on this subject, your committee have given it due consideration, and arrived at the conclusion that it is advisable to make an advance to the institution for the purpose of facilitating this object, from the State Treasury, of the sum of four thousand dollars, believing that this sum, in addition to the amount now on hand and accumulating, would enable the institution in the course of the present year, to employ most of the convicts in manufacturing coarse cotton and woollen goods, which business is considered as profitable as their present occupations, and the institution would in a short time, without any further aid from the State, be able to purchase as much more machinery of this kind as would be necessary to employ all the labor of the convicts, and thus divert it from its present employment in the mechanic arts.

Your committee have had their attention directed to the subject of leasing out to individuals, the Penitentiary for a term of years, and after a thorough examination have arrived at the conclusion, that it is better to continue its management by officers appointed by the State.

Your committee take pleasure in stating that so far as they have been able to judge, the present officers have discharged their duties faithfully and efficiently, in every respect.

In conclusion your committee beg leave to suggest the following resolutions, to-wit:

1st. *Resolved, by the Legislature of the State of Mississippi*, That the Superintendent of the State Penitentiary, under the direction of the Board of Inspectors, is hereby authorized and directed to erect suitable buildings for the reception of an engine and machinery for manufacturing coarse cotton and woollen goods, sufficient for the labor of eighty hands.

2d. *Resolved*, That said Superintendent, under the direction of the Board of Inspectors, procure a suitable engine and fixtures to propel said machinery, with the funds now on hand and accumulating, and employ the same in putting into operation such machinery as is now on hand.

3d. *Resolved*, That it is expedient to appropriate out of the State Treasury the sum of $4,000, to be applied to the purchase

of such additional machinery as may be suitable for manufacturing coarse cotton and woollen goods, to be driven by said engine, and have said machinery ready to attach thereto, as soon as possible after said engine and buildings are ready therefor.

4th. *Resolved*, That all the said machinery be kept constantly at work, and as much labor applied to the manufacturing coarse cotton and woollen goods as can be advantageously employed for that purpose.

5th. *Resolved*, That all the nett proceeds of said institution, after putting the said machinery into operation, shall be applied to repay to the State the above sum of $4,000, unless the next Legislature should direct an extension of machinery therewith.

All of which, referring to the documents already printed, is respectfully submitted.

JOHN J. McCAUGHAN,
Chairman of House Committee.
R. O. BEENE,
Chairman of Senate Committee.

Which was received and agreed to.

Mr. Emanuel moved that 1,000 copies be printed;

Which was lost.

Mr. Ewing moved to print 800 copies;

Which was lost.

On motion of Mr. Connell,

Five hundred copies were ordered to be printed.

Mr Connell, from the joint standing committee on claims, to whom was referred,

A bill, to be entitled,

An act for the benefit of William Roberts and L. C. Leland; reported the same back to the house, and deemed it inexpedient to pass the bill;

Which was received.

The question was taken on agreeing to the report, and decided in the affirmative.

Mr. Connell, from the same committee, to whom was referred the claim of M. McDonald, reported the same back to the house it being improperly referred;

Which was received and agreed to, and Mr. Dilworth of Tishemingo permitted to withdraw the claim.

Mr. Kennedy, from the select committee, appointed on the part of the house, to whom was referred the subject of the "census and apportionment of members in the legislature," reported,

A bill, to be entitled,

An act to fix the apportionment of the representatives and senators in this state;

Which was read the first time, and the report received.

The question was then taken on agreeing to the report, and decided in the affirmative by yeas and nays, as follows;

Those who voted in the affirmative, are,

Mr. Speaker, Messrs. Abbott, Archer, Beene, Barry of Tippah, Binford, Brooks, Buford, Campbell, Cushman, Cannon, Connell, Cowan, Crain, Cypert, Dilworth of Monroe, Dilworth of Tishemingo, Fontaine, Frost, Gibbs, Greaves, Green of Tippah, Griffin, Guy, Hinds, Harrison, Huie, Hyneman, Kennedy, Leigh, Loper, Malone, Maxcy, McInnis, Millsaps, Moore, Nash, Potts, Randall, Robertson, Smyth of Winston, Spann, Totten, Wade, Walker, Warren and York—47.

Those who voted in the negative, are,

Messrs. Adams, Alcorn, Allen, Beaty, Baily, Bynum, Carson, Chambers, Chewning, Emanuel, Ewing, Farrar, Foster, Fowles, Green of Hinds, Harris, Head, Holleman, Lemly, Leonard, May, McAfee, McCaughan, McNabb, Moody, Netterville, North, Pendleton, Pettus, Pope, Rogers, Rossman, Rushing, Sessions, Simrall, Simmons, Smith of Washington, Stuart, Thompson, Torrey, Weatherby and White—42.

Mr. Pettus moved that 500 copies be printed;

Which was lost.

On motion of Mr. Kennedy,

Two hundred copies were ordered to be printed.

Mr. Kennedy moved that the rule be suspended, to the end that the bill might be read the second time;

Which was lost.

Mr. Walker, from the select committee, to whom was referred,

A senate bill, entitled,

An act to amend an act entitled an act to incorporate the Chuquatontia turnpike company; reported the same back to the house with an amendment thereto;

Which was received and agreed to, and the amendment ordered to be engrossed.

Mr. McNabb, from the committee to whom was referred the report of the treasurer, on the subject of the demand made by J. C. P. Hammond on him for certain warrants found in the treasury department, and claimed as said Hammond's property, reported a resolution by the legislature of the State of Mississippi, that the treasurer be authorized to deliver to J. C. P. Hammond, or his attorney in fact, the number of 41 warrants of the old issue, which were found in the treasurer's office in an envolepe, marked thus: 1840, various pay warrants found in small drawer in his safe amounting to $1,450.

Which was read the first time, and the report received and agreed to.

On motion of Mr. McNabb,

The rule was suspended, and the bill read the second time.

The senate bill, entitled,

An act to repeal certain laws in relation to the road hands in Honey island in Holmes county;

Was read the first and second time; and,

On motion of Mr. Wade,

Referred to a select committee of three, consisting of Messrs. Wade, Beaty and Adams.

The senate bill, entitled,

An act to declare Quivee, or Tompkins bayou and the bayou known as Dry bayou, navigable streams;

Was read the first time.

The senate resolution appropriating room No. 4 in the basement story of the capitol to the state commissioner;

Was read the first time.

Mr. Walker, from the joint standing committee on enrolled bills, made the following report:

Mr. Speaker—The joint standing committee on enrolled bills, have this day examined,

An act for the relief of James H. Thompson, guardian of Emeline S. and William D. King, minor heirs of Geo. R. King, deceased;

An act for the relief of the heirs of Charles Perkins;

An act to authorize John Nolen to transcribe the minutes of the circuit court of Choctaw county, and for other purposes;

Also bills originating in the senate:

An act to declare Lususcoona river a navigable stream, and for other purposes;

A resolution inserting an amendment in the constitution of the state;

An act for the relief Isaac Chrisman, and for other purposes;

An act for the relief of John H. Rollins;

An act to incorporate Yazoo lodge No. 42;

An act to restore a board of trustees of the 16th section in township No. 5, range 3 east;

And have found the same correctly enrolled.

The senate bill, entitled,

An act to amend an act entitled an act, approved February 24, 1844, entitled an act to amend the several acts of limitation, and for other purposes;

Was read the first time.

The senate bill, entitled,

An act to incorporate Concord lodge No. 12, of the independent order of odd fellows;

Was read the first time.

The senate bill, entitled,

An act to amend the laws of this state relative to free negroes and mulattoes;

Was read the first time, and

On motion of Mr. Totten,

The bill was rejected.

The senate bill, entitled,

An act to relinquish the claims of the state by escheat to the estate of William Alfred Cottingham, deceased, in favor of certain persons therein named;

Was read the first time.

On motion of Mr. Harris,

The rule was suspended, the bill read the second time and referred to the judiciary committee, together with a bill, to be entitled, an act for the relief of the legal heirs and representatives of Amos Lot, deceased;

The senate bill, entitled,

An act to regulate the fees of sheriffs in certain cases;

Was read the first time.

The senate bill, entitled,

An act to change the name of Sarah Jane Kendall to that of Sarah Jane Oakley, and for other purposes;

Was read the first time.

On motion of Mr. Cannon,

The rule was suspended, the bill read the second and third time forthwith, and passed with its title as stated.

On motion of Mr. Greaves,

The house concurred in the amendment made by the senate, to a bill from the house, entitled; an act to authorize and empower the probate court of Hinds county to appoint some suitable person or persons to be guardian or guardians to John Morrison, of said county.

On motion of Mr. Wade,

The house concurred in the resolution of the senate raising a joint select committee of three on the part of the senate, and —— on the part of the house, to consider of the propriety of incorporating the town of Lexington in Holmes county.

On motion of Mr. Wade,

The blank was filled with the number five, the chair appointing Messrs. Wade, Beaty, Crain, Kennedy and Moore said committee.

The house resolved itself into committee of the whole on its special order, to be entitled, an act for the benefit of J. R. Sandford, sheriff of Coahoma county; Mr. Emanuel in the chair.

After some time spent therein, the committee rose and reported the bill back to the house with an amendment thereto;

Which was received and agreed to.

Mr. Harrison offered the following amendment to the report:

Amend by adding after 1st section at the close of it, viz: or a new bond executed by the collector, and approved of as in other cases;

Which was adopted.

Mr. Kennedy moved to lay the whole subject on the table;

Which was lost.

On motion of Mr. Warren,

The bill was ordered to be engrossed and made the special order of of the day for 11 o'clock, to-morrow.

The special order entitled,

An act to repeal an act entitled an act to prohibit the introduction of slaves into this state as merchandize or for sale, &c.;

Was read the third time, referred to the committee on the judiciary.

The unfinished business was then taken up, viz: Mr. Bynum's motion to reconsider the vote on the bill, entitled, an act prescribing the mode of collecting costs in certain cases, and for other purposes;

On motion of Mr. Green of Hinds,

A call of the house was had.

On motion of Mr. Maxcy,

Mr. Martin was excused.

On motion of Mr. Adams,

Mr. Woodbury was excused.

On motion of Mr. McAfee,

Mr. Metcalf was excused.

Mr. Harris moved that the further call of the house be dispensed with;

Which was lost.

Mr. Cypert moved that the house now adjourn;

Which was lost.

On motion of Mr. Cushman,

The sergeant-at-arms was directed to go for the absentees.

Mr. Lemly moved that the further call of the house be dispensed with;

Which was lost.

Mr. Griffin moved that the further call of the house be dispensed with;

Which was lost.

Mr. Bailey made his appearance, and after stating his excuse, was released from paying fees.

Mr. Wade was also excused from paying fees.

Messrs. Smiley and Sharkey made their appearance, and was each excused.

The absentees making their appearance and being excused, the further call was suspended.

The question then recurred on the motion to reconsider, which

being taken, was decided in the affirmative by yeas and nays, as follows:

Those who voted in the affirmative, are,

Mr. Speaker, Messrs. Abbott, Beene, Berry of Simpson, Berry of Tippah, Buford, Bynum, Campbell, Cannon, Chambers, Connell, Cowan, Crain, Dilworth of Monroe, Dilworth of Tishemingo, Gibbs, Green of Tippah, Griffin, Guy, Harris, Harrison, Hinds, Holleman, Huie, Hyneman, Hughes, Kennedy, Leigh, Malone, Maxcy, McAfee, McCaughan, McDonald, McNabb, Millsaps, Moody, Moore, Potts, Randall, Robertson, Singleton, Smyth of Winston, Thompson, Totten, Wade, Walker, Warren, Weathersby and York—49.

Those who voted in the negative, are,

Messrs. Adams, Alcorn, Allen, Archer, Baily, Beaty, Binford, Brooks, Carson, Chewning, Cypert, Emanuel, Ewing, Farrar, Fontaine, Foster, Fowles, Frost, Greaves, Green of Hinds, Head, Lemly, Leonard, Loper, May, McInnis, Nash, Netterville, North, Pendleton, Pettus, Pope, Rogers, Rossman, Rushing, Sessions, Sharkey, Simmons, Simral, Smiley, Smith of Washington, Spann, Stuart, Torrey and White—45.

On motion of Mr. Totten,

The bill was committed to a select committee of three, consisting of Messrs. Totten, Fontaine and Harris.

On motion of Mr. McNabb,

Resolved, That the committee on claims be required to return to this house the several accounts of W. Fore and S. L. Steene, late sheriff of Rankin county, and that they be returned to the representatives of said county.

On motion of Mr. Singleton,

Leave of absence was granted to Mr. Torrey till Tuesday next.

The following message was received from the senate, by Mr. Wilcox, their secretary:

Mr. Speaker—The senate have adopted a preamble and resolutions from the house asking congress to erect light houses, and establish a mail route on the sea coast of Mississippi;

And a bill, to be entitled,

An act to amend an act entitled an act to abolish the office of commissioner of public buildings, and for other purposes, approved February 6, 1841;

A bill, to be entitled,

An act to regulate the descent and distribution of the estate of Edmund Rice, deceased.

The senate have adopted the following resolution,

Resolved, the house of representatives concurring, that the two houses will meet in the representative hall on Saturday next, at 11 o'clock, A. M., for the purpose of electing a superintendent, assistant keeper and clerk of the penitentiary.

In which I am instructed to desire the concurrence of the house of representatives.

On motion of Mr. Allen,

The house adjourned.

FRIDAY, JANUARY 30, 1846.

The House met pursuant to adjournment;

And its deliberations were opened with prayer by the Rev. Dr. Leavell, of Jackson.

Mr. Wade, from the select committee to whom was referred,

A bill, to be entitled,

An act, to repeal certain laws in relation to the road hands in Honey island, in the county of Holmes, reported the same back to the house without amendment;

Which was received and agreed to, the bill read the third time, and passed with its title as stated.

Mr. Harris, from the select committee, to whom was referred,

The senate bill entitled,

An act, to establish an inferior court of chancery in the southern part of this state, reported the same back to the house with an amendment thereto;

Which was received and agreed to.

On motion of Mr. Cushman,

The house resolved itself forthwith into committee of the whole on said bill,

Mr. Sharkey in the chair.

After some time spent therein, the committee rose and reported the same back to the house without amendment;

Which was received and agreed to, and the bill read the third time.

The question was then taken on the passage of the bill, and decided in the affirmative by yeas and nays as follows:

Those who voted in the affirmative, are

Messrs. Adams, Alcorn, Archer, Bailey, Beaty, Buford, Bynum, Campbell, Carson, Chambers, Chewning, Cowan, Crain, Dilworth of Monroe, Emanuel, Farrar, Fontaine, Foster, Fowles, Gibbs, Greaves, Harrion, Harriss, Head, Holleman, Huie, Hyneman, Lemly, Leonard, Maxcy, May, McAfee, McCaughan, McInnis, McNabb, Moody, Nash, Netterville, North, Pendleton, Pope, Rossman, Rushing, Sessions, Sharkey, Simmons, Simrall, Smiley, Smith of Washington, Stewart, Thompson, Totten, Weathersby and White—54.

Those who voted in the negative, are

Mr. Speaker, Messrs. Abbott, Beene, Berry of Simpson, Berry of Tippah, Binford, Brooks, Cannon, Cushman, Cypert, Dilworth of Tishemingo, Ewing, Frost, Green of Hinds, Green of Tippah, Griffin, Guy, Hinds, Hughes, Leigh, Loper, Malone, McDonald, Millsaps, Pettus, Potts, Randall, Robertson, Smith of Winston, Spann, Wall, Walker, Warren, and York—34.

On motion of Mr. Harriss,

The vote just taken, was reconsidered, and the bill recommitted to the same committee.

A message from the senate.

Mr. Speaker—The senate have refused to concur in the amendments made by the house of representatives to a bill from the senate, to be entitled an act, to amend an act entitled an act to incorporate the Chuquatontia turnpike company;

And have passed the following bills:

A bill to be entitled,

An act, amendatory of the laws for the relief of the poor;

A bill to be entitled,

An act, for the relief of W. S. Bailey;

A bill to be entitled,

An act, to declare Big Bear creek a navigable stream, and for other purposes;

A bill to be entitled,

An act, supplemental to an act entitled an act to define the du-

ties and powers of the board of police of Monroe, Chickasaw and Noxubee counties;

In which I am instructed to desire the concurrence of the house of representatives.

The senate have also adopted a memorial of the legislature of the state of Mississippi to the congress of the United States.

The president of the senate has signed acts originating in the house of representatives as follows:

An act for the relief of James H. Thompson, guardian of Emeline S. and W. D. King, minor heirs of George R. King, dec'd.

An act for the relief of the heirs of Charles Perkins.

And also, the following acts originating in the senate:

An act for the relief of John H. Rollins;

An act to declare Lususcoona a navigable stream, and for other purposes;

An act to incorporate Yazoo lodge No. 42;

An act to restore a board of trustees of the 16th section in township No. 5, range No. 3. east.

A resolution, inserting an amendment in the constitution of the state;

Which I am instructed to present to the speaker of the house of representatives for his signature.

Mr. White, from the joint standing committee on enrolled bills reported that they have examined

An act to authorize and empower the probate court of Hinds county to appoint some suitable person or persons to be guardian or guardians of John Morrison, of said county, and for other purposes;

An act to amend an act entitled an act to abolish the office of commissioner of public buildings; and for other purposes, approved Feb. 6, 1841.

An act to regulate the descent and distribution of the estate of Edmund Rice, deceased, a foreigner;

And have found the same correctly enrolled.

A message from the senate by Mr. Wilcox, their secretary.

Mr. Speaker—The president have signed acts originating in the house of representatives of the following titles:

An act to authorize and empower the probate court of Hinds county to appoint some suitable person or persons to be guardian or

guardians of John Morrison of said county, and for other purposes;

An act to amend an act entitled an act to abolish the office of commissioner of public buildings, and for other purposes, approved Feb. 6th, 1841.

An act to regulate the descent and distribution of the estate of Edmund Rice, deceased, a foreigner.

The senate have given leave to the introduction of bills of the following titles:

A bill to be entitled,

An act, to subject real estate to sale to satisfy judgments rendered in justice's courts;

A bill to be entitled,

An act, reducing into one the different acts in relation to the state treasury;

A bill to be entitled,

An act to regulate and define the relation of master and apprentices.

The senate have passed a bill of the following title:

A bill to be entitled,

An act, appointing road inspectors in the counties of Chickasaw and Choctaw.

Also bills from the house as follows:

A bill to be entitled,

An act, to change the name of Rachel Laura Randell to that of Laura Randell Taylor;

A bill to be entitled,

An act, to incorporate Black Hawk male and female academies in the county of Carroll.

Mr. Cushman presented the petition of Stephen Cocke and Richard Evans in relation to judgments against the Mississippi and Alabama rail road company;

Which, on his motion,

Was referred to a joint select committee of five on the part of the house, and two on the part of the senate.

The chair appointed on the part of the house Messrs. Cushman Green of Hinds, McNabb, Abbott and Nash.

Mr. Fontaine, by leave, introduced a bill to be entitled,

An act, to authorize the auditor of public accounts to employ an additional clerk when the business of his office shall require

Which was read the first time.

Mr. McAfee, by leave, introduced a bill to be entitled,

An act, to incorporate the trustees of Zion's seminary, in the county of Covington;

Which was read the first and second time; and,

On his motion,

Referred to the committee on incorporations.

Mr. Leonard, by leave, introduced a bill to be entitled,

An act, to revive an act to incorporate the towns of Shieldboro, Pass Christian and Biloxi, in the county of Hancock, and for other purposes, &c.;

Which was read the first time;

And on his motion,

The rule was suspended, the bill read a second time, and referred to a select committee of three, consisting of Messrs. Leonard, McCaughan and Randall.

Mr. Emanuel, by leave, introduced a bill to be entitled,

An act, for paying coroner's juries;

Which was read the first time.

Mr. Emanuel asked a suspension of the rule;

Which was refused.

Mr. Greaves, by leave, introduced a bill to be entitled,

An act, to authorize and empower the clerks of the circuit court of Hinds county to transcribe certain books therein named, and for other purposes;

Which was read the first time.

On motion of Mr. Greaves,

The rule was suspended, and the bill read a second and third time forthwith,

And passed with its title as stated.

Mr. Emanuel, by leave, introduced a bill to be entitled,

An act, to amend the charter of the city of Vicksburg, approved Feb. 15th, 1839;

Which was read the first and second time; and,

On his motion,

Referred to a select committee of three, consisting of Messrs. Emanuel, Smiley and Pendleton.

Mr. Loper, by leave, introduced a bill to be entitled,

An act, to change the time of holding the probate court of the county of Newton;

Which was read the first time.

On motion of Mr. Loper,

The rule was suspended; and the bill read a second and third time forthwith,

And passed with its title as stated.

Mr. Holleman, by leave, introduced a bill to be entitled,

An act, better to provide for the organization of the county of Perry, in this state, at each general election;

Which was read the first time.

On motion of Mr. Holleman,

The rule was suspended, the bill read a second and third time forthwith,

And passed with its title as stated.

Mr. Pettus, by leave, introduced a bill to be entitled,

An act, for the benefit of guardians, executors and administrators;

Which was read the first time; and,

On motion of Mr. Pettus,

The rule was suspended, the bill read a second time, and referred to the committee on the judiciary.

Mr. May, by leave, introduced a bill to be entitled,

An act, to repeal the 7th section of an act to authorize Andrew Kerr to make a turnpike road in the county of Tunica;

Which was read the first time.

On motion of Mr. May,

The rule was suspended, the bill read the second time,

And referred to a select committee of three, consisting of Messrs. May, Robertson and Harrison.

Mr. McCaughn offered the following resolution, viz:

Resolved, That the committee on the judiciary be instructed to enquire into the expediency of reporting a bill to amend the laws of this state on the subject of selling vinous and spirituous liquors, so as to provide that at a regular period, say two years, or at such other time as may be agreed upon, the permanent settlers and voters, and married women, unmarried women, over 14 years, and widows of each police beat in this state, shall be permitted to vote for, or against the propriety of selling vinous and spirituous liquors

in such police beat; and if it should be found that a majority of all the persons aforesaid who vote in such police beat shall be opposed to the sale of such liquors in such beat; that the board of police shall not be permitted to license or permit any person to sell spirits in such police beat in any manner whatever, and to provide proper penalties for violations of such law.

The question was taken on the adoption of the above resolution and decided in the affirmative by yeas and nays as follows:

Those who voted in the affirmative are,

Mr. Speaker, Messrs. Abbott, Adams, Baily, Berry of Tippah, Brooks, Bynum, Chambers, Connell, Cowan, Cushman, Cypert, Emanuel, Ewing, Farrar, Fontaine, Fowls, Gibbs, Greaves, Green of Hinds, Griffin, Guy, Harris, Holleman, Hughes, Kennedy, Lemly, Leonard, Maxcy, May, McAfee, McCaughan, McDonald, McNabb, Millsaps, Moody, Nash, North, Pettus, Pope, Potts, Randall, Robertson, Rossman, Sessions, Sharky, Smith of Washington, Spann, Stuart, Thompson, Wade, Warren, Weathersby and York—54.

Those who voted in the negative are,

Messrs. Beaty, Beene, Berry of Simpson, Binford, Campbell, Cannon, Chewning, Crain, Carson, Dilworth of Monroe, Dilworth of Tishemingo, Foster, Frost, Green of Tippah, Harrison, Head, Hinds, Hughes, Hyneman, Leigh, Loper, Malone, McInnis, Netterville, Pendleton, Rushing, Simmons, Simrall, Smiley, Smyth of Winston, Walker and White—32.

On motion of Mr. Campbell,

Resolved, That the judiciary committee be instructed to bring in a bill to alter and amend an act to insure the collection of jury tax fees, and for other purposes, approved February 24th, 1844, so as to prevent the order of sale of judgments without actual demand having been first made of the plaintiff, or his attorney of record, for the cost in such case, and to prevent the sale of such judgments without actual notice of the time and place of such sale to the plaintiff or his attorney; and to allow plaintiffs in judgments sold for cost, to redeem said judgments when bought in by defendants as well as other persons.

On motion of Mr. Warren,

Resolved, That the auditor of public accounts be required to furnish this house a statement, showing the aggregate disburse-

ments which have been made each year from the state treasury on account of the penitentiary, distinguishing between the expenditures for buildings, and those for the current expenses of the institution. Also, showing the aggregate amount of the proceeds of the convict labor, each year, from the establishment of the penitentiary, to the 1st of January, 1846.

The senate bill to be entitled,

An act, supplemental to an act to define the powers and duties of the board of police of Monroe, Chickasaw and Noxubee counties,

Was read the first time.

On motion of Mr. Walker, the rule was suspended, the bill read a second time,

And referred to a select committee of three, consisting of Messrs. Abbott, Walker and Cannon.

The senate bill entitled,

An act, for the relief of William S. Bailey,

Was read the first time.

The senate bill to be entitled,

An act, amendatory of the laws for the relief of the poor,

Was read the first time.

The senate bill entitled,

An act, to declare Big Bear creek a navigable stream, and for other purposes,

Was read the first time.

On motion of Mr. Gibbs,

The rule was suspended, the bill read a second and third time forthwith,

And passed with its title as stated.

The senate memorial of the legislature of the state of Mississippi to the congress of the United States,

Was read the first time.

The senate bill entitled,

An act, appointing road inspectors in the counties of Chickasaw and Choctaw,

Was read the first time.

On motion of Mr. Dilworth of Tishemingo,

The house concurred in the senate resolution, fixing the 31s instant at 11 o'clock, a. m., for the purpose of electing the officers of the penitentiary.

On motion of Mr. Walker,

The senate bill entitled,

An act, to amend an act to incorporate the Chuquatontia turnpike company, with its amendments, was referred to a select committee of three, consisting of

Messrs. Walker, Moore and Dilworth of Monroe.

The special order entitled,

An act, to define the powers of the county police of Covington and Pike counties in relation to the three per cent. fund,

Was read the third time.

Mr. Smyth of Winston, offered the following amendment by way of ryder:

SECTION — *Be it further enacted*, That the provisions of the above bill be extended to the counties of Winston and Clarke;

Which was read three several times and adopted, and the bill passed with its ryder.

The special order entitled,

An act, to amend an act, approved February 23d, 1844, altering and amending an act to incorporate the town of Houston, in the county of Chickasaw,

Was read the third time and passed with its title as stated.

The special order entitled,

An act, for the benefit of the sheriffs of the several counties of this state,

Was read the third time.

Mr. Cannon offered the following amendment by way of ryder:

Provided, That the tax collectors shall not be allowed to collect double taxes until after the first day of March;

Which was read the first time.

Mr. Walker moved to lay the whole subject on the table;

Which was lost.

The rule was suspended, the ryder read a second and third time, and adopted.

Mr. Connell offered the following ryder to the ryder:

Provided, The sheriffs shall be bound to pay over under the existing laws all money collected by them at the passage of this act;

Which was read three several times and adopted;

And the bill, with its ryder, passed by yeas and nays as follows:

Those who voted in the affirmative are,

Mr. Speaker, Messrs. Abbott, Bailey, Beaty, Beene, Berry of Tippah, Binford, Cannon, Carson, Chewning, Connell, Cowan, Crain, Cushman, Cypert, Dilworth of Monroe, Dilworth of Tishemingo, Emanuel, Ewing, Farrar, Fontaine, Fowles, Gibbs, Greaves, Green of Tippah, Griffin, Guy, Harrison, Head, Hinds, Huie, Hyneman, Kennedy, Leigh, Leonard, McAfee, McCaughan, McInnis, McNabb, Millsaps, Nash, Netterville, North, Pendleton, Pettus, Pope, Randall, Rossman, Simmons, Simral, Smith of Washington, Smyth of Winston, Spann, Stewart, Thompson, Totten, Wade, Weathersby and White—60.

Those who voted in the negative, are,

Messrs. Adams, Berry of Simpson, Bynum, Campbell, Frost, Holleman, Lemly, Loper, Malone, Maxcy, May, Moody, Potts, Robertson, Rushing, Walker and York—17.

On motion of Mr. Berry of Tippah,

Leave of absence was granted to Mr. Warren until Monday next.

Mr. Gibbs, moved that the house take a recess until half past two o'clock;

Which was lost.

Mr. Fontaine moved that the house adjourn;

Which was decided in the negative by yeas and nays as follows:

Those who voted in the affirmative are,

Messrs. Bailey, Chewning, Cushman, Cypert, Emanuel, Fontaine, Huie, Lemly, Maxcy, McDonald, North, Randall, Rossman, Sharkey, Spann, Wade and White—17.

Those who voted in the negative are,

Mr. Speaker, Messrs. Abbott, Adams, Beaty, Beene, Berry of Simpson, Berry of Tippah, Binford, Bynum, Campbell, Cannon, Connell, Cowan, Crain, Dilworth of Monroe, Dilworth of Tishemingo, Ewing, Farrar, Fowles, Frost, Gibbs, Greaves, Green of Hinds, Green of Tippah, Griffin, Guy, Harrison, Head, Hinds, Holleman, Hyneman, Kennedy, Leigh, Leonard, Loper, Malone, May, McAfee, McCaughan, McInnis, McNabb, Millsaps, Moody, Nash, Pendleton, Pettus, Pope, Potts, Robertson, Rushing, Simmons, Simral, Smith of Washington, Smyth of Winston, Stewart, Thompson, Totten, Walker, Weathersby and York—60.

The house bill to be entitled,

An act, for the relief of George Holly, of Harrison county,

Was read the third time; and,

On motion of Mr. Cowan, referred to the committee on claims.

The house bill to be entitled,

An act, to exempt from sale under execution, certain property therein mentioned, approved January 22nd, 1841,

Was read the second time and ordered to be engrossed for a third reading on to-morrow.

Mr. Adams moved that the house adjourn;

Which was lost.

The house bill to be entitled,

An act, to incorporate the Phœnix engine company No. 2; and the Fulton engine company No. 3, of Vicksburg,

Were each read the second and third time forthwith,

And passed with their titles as stated.

The house bill entitled,

An act, concerning sheriffs' receipts,

Was read the second time; and,

On motion of Mr. Totten,

Laid on the table.

On motion of Mr. Ewing,

The house adjourned.

SATURDAY, JANUARY 31, 1846.

The house met pursuant to adjournment.

Mr. Totten, from the judiciary committee to whom was referred, a resolution of the house instructing them to inquire into the expediency of giving the power by law to all the judges of probate in this state, to decide upon the propriety of allowing executors, administrators, guardians, widows and minors to remove the property of decedents out of their respective counties, or from this state, &c., reported,

A bill, to be entitled,

An act to authorize foreign guardians to remove the property of their wards out of this state;

Which was read the first time, and the report received and agreed to.

On motion of Mr. Totten,

The rule was suspended, the bill read the second time, 200 copies ordered to be printed, and made the special order of the day for Monday at 10 o'clock.

Mr. Totten, from the same committee, to whom was referred, a senate bill, to be entitled, an act to relinquish the claims of the state by escheat to the estate of Wm. Alfred Cottingham, deceased, in favor of certain persons therein named, reported the same back to the house without amendment, and recommended its passage;

Which was received and agreed to, and the bill read the third time.

The question was then taken on the passage of the bill, and decided in the affirmative by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Abbott, Alcorn, Allen, Archer, Bailey, Beaty, Beene, Berry of Tippah, Binford, Brooks, Buford, Bynum, Carson, Chewning, Connell, Cowan, Crain, Cypert, Dilworth of Monroe, Dilworth of Tishemingo, Emanuel, Ewing, Farrar, Fontaine, Foster, Fowles, Frost, Greaves, Green of Tippah, Griffin, Guy, Harris, Harrison, Head, Hinds, Holleman, Hule, Kennedy, Leigh, Lemly, McAfee, McInnis, McNabb, Millsaps, Nash, North, Pendleton, Pettus, Pope, Potts, Robertson, Sharkey, Smith of Washington, Smyth of Winston, Spann, Thompson, Totten, Wade, Walker, White and York—62.

Those who voted in the negative, are,

Mr. Speaker, Messrs. Adams, Berry of Simpson, Cannon, Chambers, Green of Hinds, Hughes, Leonard, Loper, Malone, Maxcy, May, McCaughan, McDonald, Moody, Moore, Netterville, Randall, Rossman, Rushing, Sessions, Smiley, Stuart and Weathersby—24.

On motion of Mr. Wade,

The house took a recess for the purpose of preparing the hall for the reception of the senate.

The house resumed its session.

The clerk having informed the senate that the house of representatives are now ready for their reception, for the purpose o going into an election of officers of the penitentiary of this state

The senate, in accordance with the joint resolution, fixing o this day at 11 o'clock, A. M., to go into the election of officers o

the state penitentiary, preceded by the sergeant-at-arms, entered the hall and took the seats assigned them.

The president of the senate rose and explained to the two houses the object of their joint assemblage.

On motion of Mr. Boone of the senate,

The election was held *viva voce.*

Mr. Fox of the senate nominated Mr. Solomon Sutton, for the office of principal keeper of the penitentiary.

Mr. Connell of the house nominated Mr. Benjamin G. Weir of Hinds county, for principal keeper of the penitentiary.

The two houses proceeded to ballot.

On the first ballot,

Mr. Sutton received - -	18 votes.
Mr. Weir received - - -	96 votes.

The president announced that Mr. Weir having received a majority of all the votes cast, was duly and legally elected keeper of the penitentiary for the term prescribed by law.

The two houses then proceeded to the election of assistant keeper.

Mr. Briscoe of the senate nominated Messrs. Hopkins and Smith.

Mr. Lemly nominated John F. Price.

Mr. Greaves of the house nominated P. H. McGee.

On the first ballot,

Mr. Price received - -	82 votes.
" Hopkins " - - -	16 "
" Smith " - - -	2 "
" McGehee " - - -	15 "

The president announced that Mr. Price having received a majority of all the votes cast, was duly and legally elected assistant keeper of the penitentiary for the term prescribed by law.

The two houses then proceeded to the election of clerk of the penitentiary.

Mr. Boone of the senate nominated D. N. Barrows of Hinds.

Mr. Bynum of the house nominated Samuel Stamps.

Mr. Wade of the house nominated George G. McNabb.

Mr. Adams of the senate nominated Samuel Lemly of Smith.

The name of Samuel Lemly was withdrawn.

On the first ballot,

Mr. Barrows received	- -	63 votes.
" Stamps "	- - -	29 "
" McNabb "	- -	23 "

The president announced that Mr. Barrows having received a majority of all the votes cast, was duly and legally elected clerk of the penitentiary for the term prescribed by law.

The two houses having accomplished the object of their joint assemblage, the senate withdrew.

Mr. Sharkey moved to reconsider the vote taken on the bill to relinquish the claims of the state by escheat to the estate of William Alfred Cottingham, deceased, in favor of certain persons therein named.

Pending said motion,

Mr. Bailey moved that the house adjourn.

Messrs. Green of Tippah, Berry of Tippah, and Griffin called for the yeas and nays, which being taken, was decided in the affirmative.

Those who voted in the affirmative, are,

Messrs. Adams, Allen, Baily, Beaty, Berry of Simpson, Binford, Brooks, Campbell, Carson, Chambers, Crain, Fontaine, Foster, Fowles, Greaves, Harris, Harrison, Head, Hughes, Hyneman, Kennedy, Loper, Maxcy, May, McAfee, McDonald, McInnis, McNabb, Moody, Nash, Netterville, North, Pendleton, Pettus, Pope, Randall, Robertson, Rushing, Sessions, Sharkey, Simrall, Smiley, Smith of Washington, Wade and White—45.

Those who voted in the negative, are,

Mr. Speaker, Messrs. Abbott, Beene, Berry of Tippah, Buford, Bynum, Cannon, Connell, Cowan, Cypert, Dilworth of Monroe, Dilworth of Tishemingo, Farrar, Frost, Gibbs, Green of Tippah, Griffin, Guy, Holleman, Leigh, Leonard, Malone, McCaughan, Millsaps, Moore, Potts, Simmons, Smyth of Winston, Stuart, Totten, Walker, Weathersby and York—33.

So the house adjourned until Monday morning.

MONDAY, February 2, 1846.

The house met pursuant to adjournment;

And its deliberations were opened with prayer by the Rev. Mr. Taylor of Jackson.

Mr. Totten, from the judiciary committee, to whom was referred

A bill, to be entitled,

An act to repeal an act to prohibit the introduction of slaves into this state, as merchandize, or for sale, approved May 13th, 1837, and for other purposes, reported the same back to the house, with an amendment, and recommended the adoption of the amendment, and the passage of the bill as amended;

Which was received and agreed to, and the amendment read the second time.

On motion of Mr. Sharkey,

Two hundred copies of the bill and amendments, were ordered to be printed,

And made the special order of the day, for committee of the whole, on Wednesday next, at 12 o'clock.

The following message was received from his excellency the governor by Mr. Nicholson, his private secretary:

To the Senate and House of Representatives:

The enclosed preamble and resolutions of the Georgia legislature, touching a matter of controversy on the subject of slavery between South Carolina and Louisiana on the one side, and Massachusetts on the other, were received by me this instant. They were sent to the legislature for such action as may be deemed necessary and proper.

A. G. BROWN.

January 31st, 1846.

Mr. Totten, from the judiciary committee, to whom was referred the petition of Andrew J. Gray, praying for a law divorcing him from his wife, reported that it is inexpedient to grant the prayer of the petitioner;

Which was received and agreed to.

Mr. Totten, from the same committee, to whom was referred,

A bill, to be entitled,

And act for the relief of the legal heirs and representatives of

Amos Lot, deceased, reported the same back to the house, and deemed it inexpedient to pass the same;

Which was received and agreed to.

Mr. Wade, from the committee on ways and means, to whom was referred a resolution of the house, instructing them to inquire into the expediency of making provisions for the payment of the Planters' Bank bonds, with leave to report by bill or otherwise, reported that the entire subject of the Planters' Bank bonds, as alluded to in the executive message, having been referred to a separate select committee, the committee is at a loss to see the propriety of the reference above alluded to; it is moreover quite obvious, that a compliance on the part of the committee, would forestall and embarrass the action of the intelligent committee, to whom the subject was first referred; committee asked to be discharged from its further consideration;

Which was received and agreed to.

Mr. Wade, from the same committee, to whom was referred,

A bill, to be entitled,

An act to provide for the payment of the returning officers, judges and clerks of elections, reported the same back to the house, and deemed it inexpedient to pass the bill;

Which was received and agreed to.

Mr. Connell, from the joint standing committee on claims, to whom was referred,

A bill, to be entitled,

An act for the relief of William Brown, reported the same back to the house, without amendment, and recommended its passage;

Which was received and agreed to, the bill read the third time, and passed with its title as stated.

Mr. Connell, from the same committee, to whom was referred the claim of Wright Fore, reported that it is inexpedient to allow the account;

Which was received and agreed to.

Mr. Harris, from the select committee, to whom was referred

The senate bill, entitled,

An act to establish an inferior court of chancery in the southern part of this state, reported the same back to the house with sundry amendments;

Which was received and agreed to, the bill read the third time, and passed as amended.

Mr. Sharkey, from the committee to whom was referred that portion of the governor's message relating to banks, and the proceeding by quo warranto, made the following minority report:

REPORT of the Minority of the Committee on the Quo Warranto.

Mr. Speaker—The undersigned, as a member of the committee to which was referred that portion of the Governor's message relating to Banks, and the proceeding by *quo warranto*, being unable to concur with the majority of the committee, begs leave to tender a separate *report*. In doing this, he will endeavor to confine himself to the subjects referred. His Excellency has thought proper to recommend, that this Legislature should "make an enduring record of the hostility," that the events of a few years past "have engendered to banks and banking." And to that end he has thought proper to recommend a change in the constitution, "forever prohibiting the establishment of banks in this State." The undersigned does not so much object to the end, as to the means of its accomplishment. The constitution is the supreme law, prescribed by the people, limiting the powers of the members of the several departments of the government, and securing the great principles of liberty. It is too sacred to be tampered with, except in cases of pressing emergency. When such occur, changes may be proper. But frequent changes must impair the force of that instrument, and diminish its moral power. Its character is changed from a fixed, inflexible rule, to a thing of mere nominal force. One change is a precedent for another, and their frequency must impair the confidence which the people have in their organic law, and ultimately lead to confusion. The provisions of a constitution which is continually undergoing changes, must soon, to some extent, be buried in mystery. But besides, it will be a fruitful source of exciting and expensive legislation. The several sections of the State may each desire to accomplish some favorite change, until the main business of legislation will be to effect some change in the constitution. It may not be long until this body shall again be called on to make an "enduring record" of some other "hostility," "engendered" by some imaginary evil that pervades the minds of those who assemble here to legislate. legislation can be wise, which has not moral justice towards all

men for its landmarks. The legitimate power of legislation is confined to a due regard for individual right. No class of the community is to be made the sacrifice for another. The rights of all are equally sacred. It is just that the creditors of the banks should receive the assets of the banks—it is equally just that the debtors should pay their debts. If, by legislative act, these debts and credits are destroyed, do we not legislate for the benefit of one class, at the cost of another, and thus violate the plainest principles of justice. Whatever may have been the conduct of the banks, the creditors are not implicated. The stockholders are mostly innocent persons, who have made their investments in our State, in good faith: shall we deride their confidence and prostrate their fortunes? Before us the rich and the poor stand on equal grounds. We can draw no distinction. No favored classes can here be known. Good faith must be observed towards all. We must not permit our hostility to banks, to lead us into legislation which must work injustice to individual rights. Punish the offender if you will, but spare the victim to the offence. The injury is already sufficiently great; do not add to its magnitude, and tarnish our moral integrity.

The undersigned cannot conceive why the debtors to the banks should desire a repeal of the 8th, 9th, 10th and 11th sections of that law; he feels confident that no such consequences as those contended for by a majority of the committee, are to follow a repeal of those sections; on the contrary, he is well satisfied that each creditor would be left to pursue the debtors through a court of equity, and coerce justice at the end of useless, harrassing and expensive litigation, which would render their situation infinitely worse than it is now. He will not attempt to follow the example of the committee in making a legal argument upon the constitutionality of the law, but simply advert to what is now settled. The doctrine is now well established, that the property, money and credits of a banking corporation, constitute a trust fund for the benefit of creditors, which it is the province of a court of equity to follow wherever it may be found, and apply it to its appropriate purpose; and the idea that a trust fails because the trustee is dead or annihilated, is as absurd as it is new.

After the rich encomium which the committee have bestowed on the late Judge Story for his great legal ability, his authority will

not be questioned. He decided that even after the dissolution of a banking corporation, a creditor would be entitled to recover of a stockholder, an amount which had been withdrawn on the dissolution of the corporation, on the ground that every creditor had an existing equity on whatever was once a part of the corporate fund; Mumma vs. Wood, 3 Mason C. C. Reports, 309. The majority of the committee have invoked the name of Kent as an authority not to be questioned, and by his opinion I am willing to abide. Let us hear him speak, not on an analagous case; not by inference, but on the very question under consideration. In reply to an interrogatory put to him, whether, if this Legislature were to repeal the 8th, 9th and 10th sections of this law, the creditors could recover in a court of equity, he says: "I am of opinion, that if the three sections of the act were to be repealed without any provision for the payment and collection of debts and property belonging to the bank, it would remain a *trust fund* subject to the cognizance and control of a court of equity for the benefit of creditors. The idea is not to be indulged or conceded that the jurisprudence of the State of Mississippi, or that throughout the Uunited States, is so lame and defective, as not to take due and efficient care of the appropriation of the assets of the bank, to the just demands of the creditors; and eventually stockholders. It would be a deplorable failure of duty if such a protection was denied."

"By the legislative creation of a bank, with its capital and organization, a fraud upon the public could not have been intended. The just intention of the charter must undoubtedly have been, that the capital authorized to be invested, should constitute a trust fund for the benefit of depositors and bill-holders, who by the institution are considered to be invited and induced to place confidence in the bank, and its powers, and capital, as requisite means for their security and indemnity. To permit the odious and obsolete doctrine of ancient date, before monied institutions were introduced, to be applied on the dissolution of the bank, perhaps by its own mismanagement and abuse, so that all its assets were to be considered as dispersed to the wind without any owner or power any where to collect and justly apply, would be a disgrace to any civilized State. But this cannot be supposed to take place. The improved and enlightened administration of equity jurisprudence in every part of our country, have taught and established sounder and juster doctrines,

and his is apparent in the legislative acts and in the decrees of courts of equity relative to insolvent and dissolved monied charters" The above quotation is from Chancellor Kent's manuscript opinion now in this city, and ought to be satisfactory to the committee which has introduced him as authority.

In view of these decisions there may be much cause for apprehending, that should the last sections be repealed, the creditors of the banks will immediately institute proceedings against debtors, and exact payment in specie. Are our constituents prepared for such a result? Can they desire it? No one can doubt the response they would make. Under all circumstances, the undersigned cannot doubt the propriety of affording to the creditors an expeditious and cheap remedy for the collection of the amount to which they may be entitled: a remedy with which the people are familiar, and which is well calculated to prevent litigation. Such a remedy it is believed, is offered by the sections proposed to be repealed, with some slight amendments.

The undersigned cannot subscribe to the idea conveyed by his Excellency when he says: "What is to be the effect of a forfeiture judicially ascertained, as to the property of the corporation, or as to debts due to or from it, is a question properly referable to the Judiciary, and with which the Legislature and Executive have no concern." True, it is for the courts to determine what the effect of a forfeiture *is*, but it is for the Legislature to determine what it ought to be. The undersigned believes it is the peculiar province of the Legislature to guard against injustice, to avert injurious consequences resulting from inadequate laws. If the law is defective and operates injuriously to any one, let the blame fall on that branch of government having the power and authority to change or repeal it. Why should the Legislature have no "concern" about the effect of a measure it is called on to project? The Legislature (with due deference to his Excellency) has "concern" with all laws on the statute-book, and is accountable for their effect on the rights of the community, and equally as censurable for the failure to repeal unwise and impolitic acts as they are for repealing wise and salutary ones. They are, and will be held accountable at the bar of public opinion.

What the advocates of repeal desire to accomplish is not easily perceived. It cannot be the extermination of banks, for the first

seven sections of the act provide the whole remedy for taht purpose, and no life is breathed into them as banking corporations by the Senate's amendment. The majority of the committee cannot believe that a repeal of those sections would have any effect on the banks that have been adjudged to have forfeited their charters, and for which trustees have been appointed, to take charge of the assets for the benefit of all concerned. In such cases rights have vested and cannot be taken away. And why should not the banks that have not yet had judgment of ouster and seizure pronounced against them, be placed on an equal footing with the others? The same measure of justice should be awarded to all who have offended.

The undersigned would add a few words in answer to the argument of the majority of the committee. He will not offer an argument on the constitutionality of the law as it now stands, but leave that question to be decided by another department of the government. The constitution has divided the powers of government into three distinct departments, to-wit: those which are Legislative to one, those which are Judicial to another, and those which are Executive to another, and it has provided that no person or collection of persons being of one of these departments, shall exercise any power properly belonging to either of the others. To decide on the constitutionality of a law is the highest exercise o Judicial power, and can be exercised by the Judicial department only. And yet a report has been made to this House, which decides that a law passed by a previous Legislature is unconstitutional. If any one existing law may be declared unconstitutional by us, the whole body of law may, by the exercise of the same power, be declared null and void. Or laws which have been declared void, may, by the same power, be pronounced valid. The departments of the government must be kept separate and distinct, and by every attempt to exercise a power which does not properly belong to us, we violate the constitution. If we can declare laws void, we can legislate away the life, liberty and property of individuals. The undersigned would solemnly protest, in behalf of his constituents, against any legislative act which declares laws to be void.

But why are these sections declared void? Because, say the committee, it was part of the contract of each individual that the obligation should cease with the being of the corporation, and yet

the committee use this language: "It is said, that the original quo warranto bill of 1843, if carried into effect, will release debtors from the payment of their debts to the banks. The committee believe that the charge is so utterly destitute of truth, that a few words in refutation will put it at rest forever with all honest and intelligent men." This argument destroys the proposition. The language is a flat denial that the obligation does cease with the existence of the corporation.

The undersigned recommends, that the bill reported by the majority of the committee, shall not pass this House.

All of which is respectfully submitted.

J. E. SHARKEY.

Which was received; and,

On motion of Mr. Greaves,

Two hundred copies were ordered to be printed.

Mr. Leonard, from the committee, to whom was referred,

The bill, to be entitled,

An act to revive an act entitled an act to incorporate the towns of Shieldsborough, Pass Christian and Biloxi, so far as relates to the town of Shieldsborough, reported the same back to the house without amendment;

Which was received and agreed to, the bill read the third time, and passed with its title as stated.

Mr. May from the select committee, to whom was referred,

A bill, repealing the 7th section of an act authorizing Andrew Kerr to construct a turnpike road in the county of Tunica, reported the same back to the house without amendment;

Which was received and agreed to, the bill read the third time, and passed with its title as stated.

Mr. Greaves, from the select committee, to whom was referred,

An act authorizing the mayor and aldermen of the city of Jackson, to erect a bridge across Pearl river, reported the same back to the house with sundry amendments thereto, as a new bill;

Which was received and agreed to.

Mr. Campbell moved to recommit the bill to the joint select committee raised on the petition of Stephen Cocke and Mr. Evans;

Which was lost.

The question was taken on the passage of the bill, and decided in the affirmative.

Mr. Moore, by leave, introduced,

A bill, to be entitled,

An act to protect the rights of persons under twenty-one years of age, femes covert, and persons of unsound minds, until 18 months after their several disabilities shall cease;

Which was read the second and third time and referred to the judiciary committee.

Mr. Griffin, by leave, introduced,

A bill, to be entitled,

An act to better secure the public buildings of the county of Tippah;

Which was read the first and second time, and ordered to be engrossed for a third reading to-morrow.

Mr. Millsaps, by leave, introduced,

A bill, to be entitled,

An act to reduce the per diem and mileage of the members of the legislature, and other officers therein named;

Which was read the first time.

Mr. Millsaps asked for a suspension of the rule.

Which was rejected.

Mr. Alcorn, by leave, introduced,

A bill, to be entitled,

An act authorizing the probate court of Coahoma county to appoint patrols in said county;

Which was read the first and second time.

On motion of Mr. Alcorn,

The house resolved itself forthwith into committee of the whole on said bill;

Mr. Smith of Washington, in the chair;

After some time spent therein, the committee rose and reported the bill back to the house without any decisive action, recommending its reference to a select committee of 5;

Which was received and agreed to, and the chair appointed,

Messrs. Alcorn, Harris, Smith of Washington, Buford and Brooks.

Mr. Wade, by leave, introduced,

A bill, to be entitled,

An act relative to bonds of public officers in this state;

Which was read three several times, and,

On motion of Mr. Smyth of Winston,

Referred to the judiciary committee.

Mr. Ewing, from the select committee, to whom was referred the petition of sundry citizens of Madison county, relative to the Canton female academy, reported,

A bill, supplementary to an act entitled an act to incorporate the Canton female academy of Madison county, approved February 5th, 1836;

Which was read the first time, and the report received and agreed to.

The rule being suspended, the bill was read the second time, and referred to the committee on education.

The following message was received from the Senate, by Mr. Wilcox, their Secretary, viz:

Mr. Speaker—The senate have passed a bill from the house of representatives, to be entitled,

An act for the relief of Tillman Mitchell, late sheriff of Kemper county;

And have made an amendment thereto;

In which I am instructed to desire the concurrence of the house of representatives.

The senate have passed bills as follows:

A bill, to be entitled,

An act to incorporate the president and trustees of the Aberdeen female academy;

A bill to be entitled,

An act to incorporate the Houston lodge of free and accepted masons, in the town of Houston, in Chickasaw county;

A bill to be entitled,

Aan act to confirm the title of Joseph Stevens of Rankin county, to a tract of land therein mentioned;

A bill, to be entitled,

An act to authorize the change of venue in the case of the State of Mississippi vs. James P. Porter;

A bill, to be entitled,

An act to regulate the times of holding the sessions of the superior court of chancery in this state;

A memorial to the congress of the U. States;

In which I am instructed to desire the concurrence of the house of representatives.

Mr. Totten, by leave, introduced,

A bill to be entitled,

An act to incorporate the town of Chulahoma, in Marshall county;

Which was read three several times, and passed with its title as stated.

Mr. Allen, by leave, introduced,

A bill, to be entitled,

An act for the relief of married women, who may sue for divorce;

Which was read the first time.

Mr. Cushman offered the following resolution:

Resolved, (the senate concurring,) That a joint select committee be raised by the house; consisting of 5 on the part of the house, and ——— on the part of the senate, to consider and report upon the petition of Steven Cocke and Richard Evans.

On motion of Mr. Cushman,

The rule was suspended and the resolution adopted.

On motion of Mr. Buford,

Resolved, That the secretary of state be and he is hereby instructed to place before this house any information he may be in possession of, in relation to the 500,000 acres of land given to this state by the general government, for internal improvement;

1st. How much of the said lands are entirely above the overflows of the Mississippi river, and its probable value?

2nd. How much are partially overflown, and its probable value?

3d. How much are rendered entirely valueless by inundation?

4th. To how much are the titles perfect, and what quantity is yet in dispute with regard to titles?

Mr. Beaty offered the following resolution:

Resolved, That a select committee be appointed, and instructed to report to this house by bill or otherwise, for the purpose of requiring and authorizing the governor of this state to draw upon the treasury of the United States for all the monies belonging to the state of Mississippi, arising from the sale of public lands, granted to the states severally, under the provisions of the

act of congress, approved September 4th, 1841, for the use and benefit of primary schools generaly.

The question was taken on the adoption of the resolution, and decided in the negative by yeas and nays, as follows:

Those who voted in the affirmative, are;

Messrs. Alcorn, Allen, Archer, Beaty, Binford, Brooks, Bynum, Carson, Chambers, Cypert, Emanuel, Ewing, Foster, Fowles, Harrison, Head, Leonard, McCaughan, Nash, Netterville, North, Pendleton, Randall, Rushing, Sharkey, Simmons, Simrall, Smiley, Smith of Washington, Spann, Stewart, Weathersby and White, —34.

Those who voted in the negative, are,

Mr. Speaker, Messrs. Abbott, Beene, Berry of Tippah, Buford, Cannon, Connell, Cowan, Crain, Cushman, Dilworth of Monroe, Dilworth of Tishemingo, Farrar, Frost, Gibbs, Greaves, Green of Tippah, Griffin, Guy, Harris, Hinds, Holleman, Hughes, Huie, Hyneman, Leigh, Lemly, Loper, Malone, Maxcy, McDonald, McInnis, McNabb, Metcalf, Millsaps, Moody, Moore, Pettus, Potts, Robertson, Smyth of Winston, Thompson, Totten, Wade, Walker, Warren and York—47.

On motion of Mr. Greaves,

The bill relative to the quo warranto act of 1844, was called from the table,

And made the special order of the day for committee of the whole, for Thursday at 11 o'clock.

The special message of the governor relative to to the Georgia resolutions;

Was taken up.

Mr. Sharkey offered the following resolution:

Resolved, (the senate concurring,) That the special message of the governor, together with the accompanying documents, be referred to a joint committee, consisting of seven on the part of the house, and ——— on the part of the senate, to be styled a joint standing committee on state and federal relations;

Which was adopted.

The chair appointed,

Messrs. Sharkey, Farrar, McCaughan, Simrall, Warren, Smiley and Binford.

On motion of Mr. Wade,

No. 162 was called from the orders of the day, read the second time, and referred to the committee on the Planters' Bank bonds.

The following message was received from the senate, by Mr. Wilcox their secretary:

Mr. Speaker—The senate have concurred in the amendment made by the house of representatives to a bill from the senate,

To be entitled,

An act to establish an inferior court of chancery in the southern part of this state;

And have passed a bill from the house,

To be entitled,

An act to revive an act entitled an act to incorporate the towns of Shieldsborough, Pass Christian and Biloxi, in the county of Hancock, and for other purposes, as far as relates to the town of Shieldsborough, in the county of Hancock.

The senate have passed,

A bill, to be entitled,

An act to amend an act entitled an act for the protection and preservation of the rights of married women, approved February 15th, 1839.

The president of the senate has signed the following acts originating in the senate:

An act for the relief of Isaac Crisman, and for other purposes;

An act to repeal certain laws in relation to the road hands in Honey Island in Holmes county.

Mr. Sessions, from the joint standing committee on enrolled bills, made the following report:

Mr. Speaker—The joint standing committee on enrolled bills, have this day presented to his excellency the governor, for his approval and signature, bills of the following titles, originating in the senate:

An act to declare Lususcoona a navigable stream, and for other purposes;

An act for the relief of John H. Rollins;

An act to authorize the president and selectmen of the town of Macon to make titles to the south half of fractional block 7, in said town;

An act to authorize the boards of police in the several counties

in this state, to establish, change and alter the districts for the election of justices of the peace and constables;

An act to restore a board of trustees of the 16 section, in T. 5, R. 3 east;

An act to incorporate Yazoo lodge No. 42;

A resolution inserting an amendment in the constitution of this state.

Also, bills originating in the house of representatives:

An act to authorize John Nolen to transcribe the minutes of the circuit court of Choctaw county, and for other purposes;

An act to regulate the descent and distribution of the estate of Edmond Rice, deceased, a foreigner;

An act to authorize and empower the probate court of Hinds county, to appoint some suitable person or persons to be guardian or guardians for John Morrison of said county, and for other purposes;

An act to amend an act entitled an act to abolish the office of commissioner of public buildings, and for other purpose, approved February 6th, 1841;

An act for the relief of the heirs of Charles Perkins;

An act for the relief of James H. Thompson, guardian of Emeline S. and W. D. King, minor heirs of George R. King, deceased;

An act to remove the civil disabilities of Baldy W. Taylor;

An act to authorize the same person to hold both the offices of circuit and probate clerk in Sunflower county;

An act to change the time of holding the probate court in Hancock county;

An act prescribing the time of holding the probate court for Issaquena county, and for other purposes therein mentioned;

An act to change the name of Elizabeth Vines to that of Elizabeth George Wilson;

An act to legalize the sale and purchase of the 16 section of T. 7, R. 9 east, lying in Scott county, Mississippi, which section was sold on the 25th Nov., 1839, and purchased by John C. Thomas, Jesse Thomas, Joshua Flord and F. M. Petthick, not jointly but severally.

Mr. Simrall moved to call No. 166 from the orders of the day;

Which was sustained, and the bill referred to the judiciary committee.

On motion of Mr. Pettus,

The house concurred in the amendments made by the senate, to

The house bill entitled,

An act for the relief of T. Mitchell, late sheriff of Kemper county.

The senate bill, entitled,

An act to incorporate Houston lodge of free and accepted masons in the town of Houston, in Chickasaw county;

Was read three several times and passed.

The senate bill, entitled,

An act to authorize a change of venue in the case of the state of Mississippi vs. James P. Potter;

Was read three several times.

The question was then taken on the passage of the bill, and decided in the affirmative.

The senate bill, entitled,

An act to confirm the title of Joseph Stephens, of Rankin county, to a tract of land therein mentioned;

Was read the first time.

On motion of Mr. Warren,

The house took a recess until half past 2 o'clock.

HALF PAST 2 O'CLOCK, P M.

The house resumed its session.

The senate memorial to the congress of the United States;

Was read the first time.

The senate bill, entitled,

An act to regulate the time of holding the sessions of the superior court of chancery in this state;

Was read the first time.

The senate bill, entitled,

An act to incorporate the president and trustees of the Aberdeen female academy, in the town of Aberdeen;

Was read three several times, and passed.

The senate bill, entitled,

An act to amend an act entitled an act for the protection and

preservation of the rights of married women, approved Feb. 15th, 1839.

Was read the first time.

On motion of Mr. Cushman,

The senate bill, entitled,

An act for the relief of W. E. T. Griffith, a minor, of Adams county, was called from the orders of the day, read the second and third time, and passed with its title as stated.

The following communication was received from the auditor of public accounts:

AUDITOR'S OFFICE,
Jackson, Jan. 31, 1846,

Hon. James Whitfield,

Speaker of the House of Representatives:

SIR: I have the honor to acknowledge the receipt of a resolution, adopted by the house of representatives, on yesterday, requesting me to furnish "a statement showing the aggregate disbursements which have been made each year, from the state treasury, on account of the penitentiary; distinguishing between the expenditures for buildings, and those for the current expenses of the institution. Also showing the aggregate amount of the proceeds of convict labor each year, from the establishment of the penitentiary, to the 1st of January, 1846."

In reply I will remark, that the books in this office show that there has been expended in the erection of the penitentiary buildings, the sum of : : : : $134,794 35

Of this sum, there were drawn in 1836, by H. K. Moss, : :	$10,00
In 1838, there were drawn by Charles Lynch, : : :	36,000
In 1839, there were drawn by Charles Lynch, : : :	45,700
In 1839, there were drawn by A. B. Reading, : : :	1,608
In 1839, there were drawn by Wm. Jackson & D. Daley, : :	213 25
In 1840, there were drawn by sundry persons, : : :	38,777 14

In 1841, there were drawn by sundry persons, : : :	2,245 96	
And in January, 1842, : :	250 00	$134,794 35

But I will further remark, that there were other expenditures in erecting the penitentiary, which on my books, are not debited to the penitentiary department, but to *appropriations*, made to liquidate contracts for furnishing materials. What amount was thus expended, I am unable to determine, as in one instance which I recollect, an appropriation for about $8,000 was made to John Long for lime used in part for the penitentiary, and part for the executive mansion.

The expenditures to support or defray the expenses of the penitentiary since its erection, amount to		$89,327 36½
Of this, there were expended in 1840,	$12,241 94	
" " " " " 1841,	32,447 25	
Of this, there were expended in January and February, 1842, : :	3,824 20	
Of this, there were expended during fiscal year, ending 1st March, 1843,	23,506 61	
Of this, there were expended during fiscal year, ending 1st March, 1844,	7,593 17½	
Of this, there were expended from March, 1844, to 1st January, 1845,	4,682 36	
And for the calendar year 1845, (to 1st January, 1846,) : :	5,03 83	$89,327 36½

In reply to the latter inquiry contained in the resolution of the house, I reply, that the proceeds of the labor of the convicts, are not paid into the treasury, and of course this office has no record of the amount. In this respect, the penitentiary is an institution independent of all the other departments of the government. If the proceeds of the penitentiary were paid into the treasury, and all expenditures paid on warrant of the auditor out of the treasury, then I should be able at all times to exhibit a balance sheet, showing the receipts and expenditures of the institution. But as this is not the case, I am unable to answer the last inqury. But I will suggest, that upon application to the superintendent of the peniten-

tiary, doubtless, the house can obtain the information desired.

I have the honor to be,

most respectfully,

Your obedient serv't,

JAMES E. MATTHEWS,

Auditor Pub. Ac.

The unfinished business was then taken up, viz:

The resolution of Mr. McCaughan, instructing the committee on education, relative to establishing auxiliary seminaries.

Mr. Maxcy offered the following resolution as a substitute:

Resolved, That the committee on education be, and they are hereby instructed to inquire into the expediency of the state's educating in the state university at Oxford, one student from each senatorial district in this state; their board and tuition to be paid out of the seminary fund; and that said students, when they shall have been graduated at said university, shall spend at least three years in teaching in the counties or districts which they severally represent, and that the committee report by bill or otherwise.

On motion of Mr. Lemly,

The house resolved itself forthwith into committee of the whole on the subject;

Mr. Alcorn in the chair.

After some time spent therein, the committee rose, and reported the resolution back to the house without amendment, and recommended that it should not pass;

Which was received.

The question was then taken on agreeing to the report of the committee, and decided in the affirmative, by yeas and nays as follows:

Those who voted in the affirmative, are,

Mr. Speaker, Messrs. Abbott, Alcorn, Baily, Beaty, Berry of Tippah, Binford, Buford, Campbell, Cannon, Connell, Cowan, Crain, Cushman, Cypert, Dilworth of Monroe, Dilworth of Tallahatchie, Emanuel, Ewing, Farrar, Fowles, Gibbs, Green of Tippah, Griffin, Guy, Harrison, Hinds, Holleman, Hughes, Hynemann, Leigh, Maxcy, McAfee, McDonald, Millsaps, Moore, Nash, North, Pendleton, Pettus, Pope, Potts, Robertson, Smiley, Smyth of Winston, Totten, Walker, Warren and York—50.

Those who voted in the negative, are,

Messrs. Adams, Allen, Archer, Berry of Simpson, Brooks, Bynum, Chambers, Foster, Frost, Harris, Head, Huie, Kennedy, Lemly, Leonard, McCaughan, McInnis, Moody, Netterville, Randall, Rossman, Rushing, Sessions, Sharkey, Simmons, Simrall, Smith of Washington, Spann, Stuart, Thompson and Weathersby, —31.

The special order entitled,

An act to provide for permanent improvements of interior navigation;

Was read the third time.

Mr. Hinds moved to postpone the bill until the 1st. of June next;

Which was carried.

On motion of Mr. McNabb,

The resolut[illegible] relative to J. C. P. Hammond, was called from the orders of [illegible]ay, and read the third time.

Mr. Berry of Tippah, moved that the whole subject be referred to the committee on claims;

Which was lost.

The question was then taken on the passage of the resolution, and decided in the affirmative by yeas and nays, as follows:

Those who voted in the affirmative, are,

Mr. Speaker, Messrs. Adams, Beaty, Binford, Brooks, Buford, Crain, Cushman, Emanuel, Ewing, Farrar, Fowles, Greaves, Harris, Harrison, Kennedy, Leigh, Lemly, Leonard, May, McCaughan, McDonald, McNabb, North, Pendleton, Pettus, Randall, Rossman, Sessions, Simmons, Simrall, Smith of Washington, Smyth of Winston, Spann, Stewart, Wade and White—37.

Those who voted in the negative, are,

Messrs. Abbott, Allen, Archer, Bailey, Beene, Berry of Tippah, Campbell, Chambers, Connell, Cowan, Cypert, Dilworth of Monroe, Dilworth of Tishemingo, Frost, Gibbs, Green of Tippah, Griffin, Guy, Head, Hinds, Holleman, Hughes, Hyneman, McInnis, Metcalf, Millsaps, Moody, Moore, Netterville, Pope, Potts, Rushing, Thompson, Walker, Weathersby and York—36.

On motion of Mr. Harris,

Resolved, That the judiciary committee be instructed to inquire into the expediency of providing by law, for the better and more speedy collection of debts due the state, so as to require the attor-

ney general to prosecute all suits by and in behalf of this state, for the collection of monies due the state, stipulating what additional compensation, if any, shall be given said attorney general for his services, in any of said suits, and also, to inquire into the expediency of providing by law for the sale of all lands named by the state, on account of the sinking and town lot funds, for Planters Bank bonds, coupons, or state warrants.

On motion of Mr. Maxcy,

The house adjourned.

TUESDAY, FEBRUARY 3, 1846.

The house met pursuant to adjournment;

And its deliberations were opened with prayer by the Rev. L. J. Halsey, of Jackson.

The following message was received from his excellency the governor, by Mr. Nicholson, his private secretary:

Mr. SPEAKER—I am instructed by his excellency, the governor, to inform the house of representatives that he has this day approved and signed bills which originated in the house, of the following titles:

An act to authorize John Nolen to transcribe the minutes of the circuit court of Choctaw county, and for other purposes;

An act for the relief of Charles Perkins;

An act to remove the civil disabilities of Baldy W. Taylor;

An act for the relief of James H. Thompson, guardian of Emeline S. and William D. King, minor heirs of George R. King, deceased;

An act prescribing the time of holding the probate court for Issaquena county, and for other purposes;

An act to legalize the sale and purchase of the 16th section of township 7, of range 9, east, lying in Scott county, Mississippi, which section was sold on the 25th of November, 1839, and purchased by John C. Thomas, Jesse Thomas, Joshua Flord and J. M. Patrick, not jointly but severally;

An act to change the time of holding the probate court in the county of Hancock;

An act to regulate the descent and distribution of the estate of Edmund Rice, deceased, a foreigner;

An act to amend an act entitled an act to abolish the office of commissioner of public buildings, and for other purposes, approved February 6th, 1841;

An act to change the name of Elizabeth Vines to that of Elizabeth George Wilson;

An act to authorize and empower the probate court of Hinds county to appoint some suitable person or persons to be guardian or guardians of John Morrison of said county, and for other purposes.

Mr. Smyth of Winston moved to reconsider the vote taken on yesterday, on the adoption of the resolution authorizing the state treasurer to pay over to J. C. P. Hammond certain auditor's warrants in said resolution specified.

Mr. Pendleton presented the petition and claim of F. A. W. Davis;

Which was referred to the committee on claims.

Mr. Huie presented the petition of C. F. Hemmingway;

Which was referred to the committee on claims.

Mr. Allen presented the claim of R. Parkinson;

Which was referred to the same committee.

Mr. Binford presented the petition of Abraham Harely of Carroll county;

Which was referred to the committee on propositions and grievances.

Mr. Alcorn presented the petition of Jacob Magee;

Which was laid on the table for the present.

Mr McInnis presented the petition of sundry citizens of Greene county;

Which was referred to a select committee of three, consisting of Messrs. McInnis, Spann and Loper.

Mr. Abbott presented the petition of J. B. Marchbanks;

Which was referred to the committee on claims.

Mr. Totten presented the petition of Joseph G. Mitchell and others;

Which was referred to the committee on propositions and grievances.

Mr. Millsaps presented the claim of James White;

Which was referred to the committee on claims.

Mr. May presented the petition of sundry citizens of the town of Commerce in Tunica county;

Which was referred to the committee on incorporations;

Mr. Baily presented the petition of sundry citizens of Tallahatchie county;

Which was referred to the committee on county boundaries.

Mr. Hughes presented the claim of James B. McCelland;

Which was referred to the committee on claims.

Mr. Hughes presented the claim of the auditor of public accounts and state treasurer;

Which was referred to the same committee.

Mr. Sharkey presented the petition of sundry citizens of the city of Vicksburg;

Which was referred to a select committee of three, consisting of Messrs. Sharkey, Sessions and Emanuel.

Mr. Simrall presented the petition of sundry citizens of Wilkinson county;

Which was referred to the committee on propositions and grievances.

Mr. Wade, from the committee on ways and means, to whom was referred the petition of Bethany Hall, asking further time to redeem certain lands forfeited to the state for non-payment of taxes, reported that there is now in progress, in this house, a general bill, embracing the prayer of said petitioner, and ask to be discharged from its further consideration;

Which was received and agreed to.

Mr. Simrall from the committee on incorporations, to whom was referred a bill, entitled, an act to incorporate the trustees of Zion seminary in the county of Covington, reported the same back to the house without amendment, and recommended its passage;

Which was received and agreed to, the bill read the third time, and passed with its title as stated.

Mr. Sessions, from the joint standing committee on enrolled bills, made the following report:

Mr. Speaker—The joint standing committee on enrolled bills have this day examined;

An act to incorporate Black Hawk male and female academies in the county of Carroll;

An act to change the name of Rachael Laura Randall to that of Laura Randall Taylor;

Preamble and resolutions asking congress to erect light houses and establish a mail route on the sea coast of Mississippi;

An act to repeal certain laws in relation to the road hands in Honey island in Holmes county;

An act to revive an act entitled an act to incorporate the towns of Shieldsborough, Pass Christian and Biloxi, in the county of Hancock, and for other purposes, as far as relates to the town of Shieldsborough in the county of Hancock;

An act better to provide for the organization of Perry county in this state, at each general election;

An act to change the name of Sarah Jane Kendall to that of Sarah Jane Oakley;

An act to declare Big Bear creek a navigable stream, and for other purposes;

And have found the same correctly enrolled.

Mr. McCaughan, from the select committee, to whom was referred the petition of sundry citizens of Harrison county, made the following report:

REPORT of a select Committee on the subject of Repealing all Laws for the Collection of debts.

The select committee to whom was referred the petition of sundry citizens of Harrison county, praying the abolition of our Legal Credit system, have had the same under consideration, and arrrived at the following conclusions:

That the interference of government with contracts of individuals is entirely wrong, and not only unproductive of good, but a source of much evil and social discord—causing great unnecessary expense to the State and a large number of its citizens, in nowise interested—creating a necessity for swarms of officers, agents, and attornies, who perform no service which would be of utility to mankind, under a wholesome system of laws and government: who indeed live, and often are enriched by the strife and discord engendered by our erroneous system of laws—most of which evils would end with the abrogation of those laws—substituting an artificial legal obligation for that high and noble moral principle of justice implanted in the organization of every human being, by the Great Author of his existence.

Your committee are of the opinion that this interference of government with the contracts of citizens, was first introduced for selfish, sinister and unfair purposes, when the few ruled the great mass of mankind, and that it has well answered the ends of its creation. If man is so constituted and organized as to possess a sense of justice and benevolence—a natural disposition to do unto others as he would they should under similar circumstances, do unto him,—it must be very evident that the conduct resulting from such natural organization, would be more correct, and the obligation felt more binding and certain, than any artificial and unnatural obligation—the mere invention of man. To suppose otherwise would be to impiously ussume that the creature, man, is superior to his creator, God. If, however, we arrive at the conclusion, that man does not possess *this* constitution and organization, we are placed in a worse dilemma, by assuming that without it he can enact laws for his government, right, just or benevolent.

Your committee, in elucidation of this view of the subject, would sate such facts in relation to it, as are familiar to most men. *First*, that the only kind of obligations in this country which can be called strictly moral, are those incurred by gambling. Gambling debts are not recognized as legal, by our laws, hence there is no legal obligation to pay them; nor is there any obligation on mankind to pay such debts, save that dictated or imposed by the moral principle in his nature already referred to. Now what are the facts in relation to the fulfilment of such obligations? In comparison with the fulfilment of those engagements recognized by the laws of the country, the advantage is notoriously on the side of gambling obligations, which proves to demonstration, the correctness of our position. It will be of no avail to argue that gamblers pay their debts promptly, as a matter of policy, *because there being no law* to make them pay, they would lose all credit and confidence among their friends were they to fail to pay, &c.,—for if this is the fact, it only tends to strengthen our argument. Let us then make it the policy of all men to be honest and punctual in their engagements—let the penalty for failure to perform which, be loss of credit and confidence among their friends, by those who violate their contracts—as in gambling transactions—and, as a matter of course, the same results must be produced. *Secondly*, in many of the early settlements of our frontier country, years elapsed before the introduction of law, lawyers, and officers of the law; and, so far

as your committee have been able to learn, from persons of observation, information and experience, acquainted with the business transactions of those settlements in their infancy, there was then greater punctuality observed by men, in all their dealings—more social harmony and concord, and less avarice and cupidity---than after the introduction of law, lawyers, &c., to coerce a compliance with contracts.

In the third place, we would instance the social condition of the Quakers---a numerous, intelligent, prosperous, enterprising and highly respectable class of our population; who have always refused to resort to law for the settlement of their transactions with one another. As a consequence of this abstinence from litigation, there is no such thing as extreme want or poverty among them. All their children are educated, and the salutary principles of man's social organization more fully developed and practised upon, than by any other class of our population. What the Quakers have effected, can be accomplished by others, if they will but act upon the same principles. If man is a moral and social being, a high moral and social, not political destiny, awaits him, and must develope the great end of his existence---*health* and *contentment*. If man, untrammeled by the artificial errors in laws, government and society, does not possess principle prompting him to do right, (which is not here admitted,) then let us make it his *policy* to do right. There is an old adage, that "honesty is the best policy," and some wit has remarked, that if rogues could appreciate its truth, they would be honest, if from policy alone. Now, if honesty and punctuality are the great objects to be attained among the citizens of the State, your committee are of the opinion that their transactions of a virtuous and useful character, should at least be placed on as favorable a basis as the gambling transactions of the country.

From the best calculations your committee have been able to make on the subject, they have arrived at the conclusion that the annual expense to the people of the United States, on account of the legal credit system alone, in the pay of judges, clerks, sheriffs, marshals, magistrates, constables, deputies, jurors, witnesses, lawyers, loss of time in litigation, &c., &c., cannot be short of the immense sum of

TWO HUNRDED MILLIONS OF DOLLARS!

to say nothing of the vice, corruption, perjuries, strife, discord, and crimes, embittered feelings, destruction of friendship, and social feelings between man and man, and of amity and love among members of families; poverty and utter ruin of both plaintiff and defendant, in which the innocent wives and helpless children are oftentimes the greatest sufferers. Is it possible that a system which produces such consequences can be right? Or are we not to judge the tree by its fruit?

This principle of legal obligation is one of inheritance, and never could have obtained in this country, had it been a new question at the close of the Revolution; but, unfortunately, like many other errors and absurdities adopted with the European system of laws---a system framed for a people having different forms of government from ours, where, under the specious name of law, every species of villainous chicanery and fraud was resorted to by the few to oppress the many. Your committee are not disposed to reproach the memory of any of the great statesmen, patriots, and philanthropists who failed to establish, under our first constitution, a better form of laws. They had done enough. They had struggled through a long and bloody war, at the close of which they established and handed to us, and to all posterity, a constitution based upon the dogma of man's political equality; under which all are entitled to equal rights and privileges, with a representative form of government, by which we are enabled to alter, amend or annul our laws at pleasure. Having done *so much*, it is but reasonable to infer that they required repose---that, as they had approximated perfection, they imagined it was attainable; and we, to whom they had bequeathed such an inheritance, would not only preserve it in all its purity, as we had received it, but improve and perfect it, as time and experience should point out its errors and defects. Have we done this? Have we honestly and studiously examined what manner of beings we are, and framed a code of laws and institutions in harmony with our own organization? Your committee think not; or whence all the misery, poverty, ignorance and wretchedness which we know to exist throughout the length and breadth of our land, so highly favored by nature, and in the enjoyment of unequalled civil and religious privileges.

Another argument your committee would offer in favor of this

change, is the necessity, which the present legal credit system creates for a host of our population to engage in the otherwise useless, and always non-productive, profession of law, civil officers, &c., &c., all of whom must live on the labor of others. By changing our policy, this necessity ceases, and the numerous class of our population alluded to, must at once adopt other pursuits directly useful to themselves, their country and their kind.

The increase of productive industry—the saving to the nation of two hundred millions of dollars annually—the misery, strife, discord, poverty, and human suffering in every way—which would be avoided—the good, peace, prosperity and happiness which would result from this change—are all considerations, which has induced your committee to direct me to report the bill herewith submitted, and recommend its passage.

All which is respectfully submitted.

J. J. McCAUGHAN, Chairman.

The bill accompanying said report, viz: to be entitled an act to repeal all laws now in force for the collection of debts;

Was read the first time, and the report received.

Mr. Sharkey asked for a suspension of the rules;

Which was refused;

Mr. Allen moved to reject the report;

Which was lost.

Mr. Sharkey moved that 200 copies of the report and bill be printed;

Which was decided in the affirmative by yeas and nays, as follows:

Those who voted in the affirmative, are,

Mr. Speaker, Messrs. Abbott, Adams, Alcorn, Baily, Beaty, Berry of Simpson, Binford, Brooks, Buford, Bynum, Carson, Chambers, Chewning, Crain, Cypert, Ewing, Emanuel, Fontaine, Gilleland, Greaves, Harris, Head, Holleman, Hughes, Hyneman, Lemly, Leonard, Malone, Maxcy, May, McAfee, McCaughan, McDonald, McInnis, McNabb, Metcalf, Millsaps, Moody, Nash, North, Pendleton, Pettus, Randall, Rossman, Rushing, Sessions, Sharkey, Simmons, Smiley, Smith of Washington, Spann, Stuart, Thompson, Wade, Walker, Warren, Weathersby and White—59.

Those who voted in the negative, are,

Messrs. Allen, Archer, Beene, Berry of Tippah, Campbell,

Cannon, Connell, Cowan, Cushman, Dilworth of Monroe, Dilworth of Tishemingo, Farrar, Fowles, Frost, Gibbs, Griffin, Guy, Harrison, Hinds, Huie, Kennedy, Leigh, Loper, Moore, Netterville, Pope, Potts, Robertson, Rogers, Simral, Singleton, Smyth of Winston, Totten and York—34.

The following communication was received from the secretary of state, to-wit:

OFFICE OF THE SECRETARY OF STATE,
Jackson, Miss., February 3d, 1846.

Hon. the Speaker of the House of Representatives:

SIR—Allow me, through you, to inform the representatives that the secretary of state is without the information sought to be obtained by their resolution of this date, concerning the relative quantity of the 500,000 acres of land, which is and which is not subject to inundation, nor has he any criterion by which to determine its comparative value.

With high consideration,

I am sir,

Your obedient servant,

W. HEMINGWAY.

Mr. Cannon was permitted to withdraw certain papers referred to a select committee.

Mr. Pettus moved to reconsider the vote to concur in the senate amendment to a bill for the relief of T. Mitchell;

Which was sustained.

Mr. Pettus offered the following amendment:

Amend by striking out the words "the whole amount claimed to be lost," and insert the following "double the amount of such warrant so presented to the treasurer for payment;"

Which was adopted.

Mr. Cannon offered the following amendment by way of additional section:

SECTION — *And be it further enacted*, That a list of all the warrants shall be filed in the auditor's and treasurer's office;

Which was adopted.

On motion of Mr. Pettus,

The house concurred in the amendment of the senate as amended.

Mr. Alcorn, from the joint select committee, to whom was re-

ferred a bill to divide the state into four congressional districts, reported,

A bill, to be entitled,

An act to divide the state into four congressional districts;

Which was read the first time and the report received.

On motion of Mr. Harris,

The report was laid on the table.

Mr. Smyth of Winston, from the minority committee, to whom was referred the subject of dividing the state into four congressional districts, reported,

A bill to be entitled,

An act to divide the state into four congressional districts, and for other purposes;

Which was read the first time and the report received.

On motion of Mr. Totten,

The report was laid on the table.

On motion of Mr. Totten,

The reports were called from the table, and the bills read the second time.

Mr. Adams moved that 500 copies of each of the bills be printed;

Which was lost.

On motion of Mr. Totten,

200 copies of each were ordered to be printed.

On motion of Mr. Cushman,

The bills were made the special order of the day for committee of the whole on Wednesday week.

The motion of Mr. Smyth of Winston, to reconsider the vote taken on yesterday relative to the resolution in favor of J. C. P. Hammond, was considered.

The question being taken, was decided in the affirmative by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Abbott, Allen, Beaty, Beene, Berry of Simpson, Berry of Tippah, Bynum, Campbell, Cannon, Carson, Connell, Cowan, Cypert, Dilworth of Monroe, Dilworth of Tishemingo, Frost, Gibbs, Gilleland, Green of Tippah, Griffin, Guy, Head, Hinds, Hughes, Huie, Hyneman, Kennedy, Loper, Maxcy, Malone, May, McAfee, McDonald, Metcalf, Millsaps, Moore, Netterville, Potts,

Pope, Robertson, Rushing, Singleton, Smyth of Winston, Thompson, Totten, Walker, Weathersby and York—48.

Those who voted in the negative, are,

Mr. Speaker, Messrs. Adams, Alcorn, Archer, Binford, Brooks, Buford, Chewning, Crain, Cushman, Emanuel, Ewing, Farrar, Foster, Fowles, Greaves, Harris, Harrison, Holleman, Leigh, Lemly, Leonard, McCaughan, McInnis, McNabb, Moody, Nash, North, Pendleton, Pettus, Rossman, Sessions, Sharkey, Simmons, Simrall, Smiley. Smith of Washington, Spann, Stuart, Warren, and White—41.

Mr. Connell moved to recommit the resolution to the judiciary committee;

Which was sustained.

The special order, entitled,

An act to authorize foreign guardians to remove the property of their wards out of this state;

Was read the third time, and passed with its title as stated.

The house resolved itself into committee of the whole on the bill, to be entitled an act to establish volunteer companies for the more efficient military organization of this state;

Mr. Kennedy in the chair.

After some time spent therein, the committee rose, reported progress, and asked leave to sit again on Saturday next at 11 o'clock;

Which was received and agreed to.

On motion of Mr. Hinds,

The house took a recess until half-past two o'clock.

HALF PAST TWO O'CLOCK, P. M.

The house resumed its session.

The senate ryder to the house bill, entitled,

An act to establish the county seat of Washington county, was adopted.

On motion of Mr. Farrar,

The senate bill, entitled,

An act amendatory of the laws for the relief of the poor, was called from the orders of the day, read the second and third time, and passed with its title as stated.

The house bill, entitled,

An act to incorporate the Pontotoc male academy;

Was read the third time, and passed with its title as stated.

The house bill, entitled,

An act to legalize George W. Hicks;

Was read the third time, and passed with its title as stated.

The house bill, entitled

An act to repeal the 2d section of an act entitled an act to regulate the interest on the school fund, and for other purposes;

Was read the third time, and passed with its title as stated.

The house bill entitled,

An act in relation to the free negroes in the town of Grand Gulf;

Was read the third time.

Mr. Cushman offered the following amendment, by way of ryder:

Amend by way of ryder,

SEC. — *Be it further enacted*, That said free negroes shall be sent beyond the limits of this state;

Which was read three several times, and the bill passed as amended.

Mr. Rossman was permitted to withdraw the bill for the relief of Paddy Brinson;

The house bill, entitled,

An act to abolish securities in this state;

Was read the second time.

Mr. McCaughan moved that the bill be made the special order of the day for committee of the whole on Tuesday next at 11 o'clock.

Mr. Kennedy moved to lay the bill on the table, which motion having precedence, was taken and decided in the negative.

The question was then taken on the motion of Mr. McCaughan, and decided in the affirmative.

The house bill, entitled

An act for the relief of Elisha Fox;

Was read the second and third time, and passed with its title as stated.

The house bill entitled,

An act locating the seat of justice for the county of Hancock;

Was read the third time and passed with its title as stated.

The house bill, entitled,

An act to change the practice of the circuit court in the county of Yazoo, in relation to juries;

Was read the second time, and,

On motion of Mr. Adams,

Referred to a select committee of five, consisting of Messrs. Adams, Spann, Cannon, Huie and McDonald.

The house bill, entitled,

An act to emancipate the slaves Celine, Adolph and Hester, was, by leave, withdrawn by Mr. Randall.

The bill, entitled,

An act to prohibit the police court of Sunflower county from levying a special tax except in certain cases therein named;

Was read the second and third time, and passed with its title as stated.

The bill, entitled,

An act to reduce the per diem pay of the county police and clerk and judge of the probate court in the county of Itawamba;

Was read the third time.

On motion of Mr. McAfee,

The bill was re-committed to a select committee of seven, consisting of Messrs. McAfee, Hinds, Archer, Robertson, Pope, Metcalf and Hughes.

The senate bill entitled,

An act to amend the revenue laws of this state;

Was read the third time, and passed as amended.

The senate bill entitled,

An act to amend an act entitled an act to reorganize the judicial districts of this state;

Was read the second and third time, and passed with its title as stated.

On motion of Mr. Warren,

The bill, entitled,

An act concerning sheriff's receipts;

Was called from the orders of the day, and read the third time.

Mr. Berry of Tippah offered the following amendment by way of ryder:

Amend by way of ryder,

SEC. — *And be it further enacted,* That nothing herein con-

tained, shall be so construed as to compell plaintiffs to receive any thing from sheriffs in payment of executions except gold and silver.

Which was read three several times, and adopted.

The question was then taken on the passage of the bill as amended, and decided in the negative, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Allen, Berry of Simpson, Berry of Tippah, Brooks, Carson, Chambers, Crain, Cypert, Dilworth of Monroe, Dilworth of Tishemingo, Foster, Gibbs, Greaves, Green of Tippah, Griffin, Guy, Hyneman, Leigh, McCaughan, McDonald, Metcalf, Moore, Pendleton, Pettus, Pope, Potts, Robertson, Rossman, Stuart, Wade, Warren and Weathersby—32.

Those who voted in the negative, are,

Mr. Speaker, Messrs. Abbott, Adams, Archer, Baily, Beaty, Beene, Binford, Buford, Bynum, Campbell, Cannon, Connell, Cowan, Cushman, Emanuel, Ewing, Farrar, Fowles, Frost, Gilleland, Harris, Harrison, Head, Hinds, Holleman, Hughes, Huie, Kennedy, Lemly, Leonard, Loper, Maxcy, May, McAfee, McInnis, Millsaps, Moody, Nash, Netterville, North, Randall, Rushing, Sharkey, Simmons, Simrall, Singleton, Smiley, Smith of Washington, Smyth of Winston, Thompson, Totten, Walker, White and York—54.

On motion of Mr. Emanuel,

Resolved, That a select committee of seven be appointed to inquire into the expediency of making an appropriation of $5,000, or such an amount as they may deem proper, to aid the citizens of Vicksburg in rebuilding their city hospital, which has just been destroyed by fire, and that they report by bill or otherwise.

The chair appointed Messrs. Emanuel, Sharkey, Maxcy, Cushman, Pendleton, Huie and Metcalf said committee.

On motion of Mr. Binford,

The house adjourned.

WEDNESDAY MORNING, FEBRUARY 4TH, 1846.

The house met pursuant to adjournment;

And its deliberations were opened with prayer by the Rev. Dr. Leavel of Jackson.

Mr. Totten, from the judiciary committee, to whom was referred a resolution of the house, instructing them to inquire into the expediency of providing a general statute for the incorporation of cities, towns, villages and masonic lodges by the legal voters thereof, or by the boards of police in their respective counties; reported, that it is inexpedient to make a general law on the subject;

Which was received and agreed to.

Mr. Totten, from the same committee, to whom was referred a bill to be entitled,

An act, for the benefit of guardians, executors and administrators, reported, that it is inexpedient to pass the bill;

Which was received and agreed to.

Mr. Totten, from the same committee, to whom was referred a resolution of the house, instructing them to inquire into the expediency of reporting a bill to amend the laws of this state on the subject of selling vinous and spirituous liquors, so as to provide that a regular period, say two years, or at such other times as may be agreed upon, the permanent settlers voters, married women, unmarried women over 14 years of age, and widows of each police beat in this state, shall be permitted to vote for or against the propriety of selling vinous or spirituous liquors in such police beat &c.; together with a bill entitled an act, to amend the laws of this state relating to the sale of vinous and spirituous liquors; reported, that it is inexpedient to pass a law containing the principles of said resolution and bill;

Which was received.

Mr. McCaughan moved to disagree to the report of said committee.

Mr. Fontaine moved to re-commit the resolution now under consideration to a select committee of three, with instructions to bring in a special bill to apply to Harrison county.

Mr. Totten moved to lay the whole subject on the table;

Which motion having precedence was taken and decided in the negative.

The question was then taken on Mr. Fontaine's motion to recommit,

And decided in the affirmative.

The chair appointed Messrs. McCaughan, Cushman and Ewing.

Mr. Totten, from the same committee, to whom was referred, two resolutions of the house, instructing them to inquire into the expediency of providing by law for the better and more speedy collection of debts due the state, so as to require the attorney general to prosecute all suits by and on behalf of the state for the collection of monies due, stipulating for additional compensation, if any shall be given; and also, to enquire into the expediency of providing by law for the sale of all lands owned by the state on account of the sinking fund, and town lot fund for Planters' bank bonds, coupons or state warrants; reported bills of the following titles:

A bill, to be entitled,

An act, in relation to the town lot fund, and for other purposes;

A bill, to be entitled,

An act, to authorize the sale of lands belonging to the sinking fund, and for other purposes; also,

A bill, to be entitled,

An act, to authorize the commissioner of the seminary fund to compound with the creditors thereof;

Which were read the first time, and the report received and agreed to.

On motion of Mr. Totten,

The rule was suspended and the bill read the second time.

Mr. Sharkey was then permitted to make a report from a select committee, viz.:

The committee, to whom was referred so much of the governor's message as relates to the Planters' bank bonds; and to whom was also referred a bill to be entitled an act, to provide for the sale of lands belonging to the sinking fund for Planters' bank bonds, and for other purposes, have had those subjects under consideration and have instructed me to report the bill back to the house with sundry amendments thereto;

Which was received.

On motion of Mr. Moore,

The report was laid on the table, two hundred copies ordered to be printed,

And made the special order of the day for committee of the whole on Wednesday next.

The following message was received from the senate by Mr. Wilcox, their secretary:

Mr. Speaker—The senate have passed a bill from the house of representatives of the following title:

A bill, to be entitled,

An act, to incorporate the town of Chulahoma, in the county of Marshall.

The senate have concurred in the joint resolution from the house, referring the governor's special message, with accompanying documents, to a joint standing committee, to be styled a committee on state and federal relations; and have filled the blank in said resolution with the No. 3.

Messrs. Adams, Matthews and Stewart were appointed on the part of the senate.

Mr. Singleton, from the committee on propositions and grievances, to whom was referred a resolution of the house, instructing them to inquire into the expediency of passing a law authorizing the wives of convicts in the penitentiary to receive one-half of the nett proceeds of their husbands' labor; reported, that it is inexpedient to pass such a law;

Which was received and agreed to.

Mr. White, from the select committee to whom was referred the petition of sundry citizens of Issaquena county, reported a bill to be entitled,

An act, to annex a certain portion of the territory of Issequena county to the county of Yazoo;

Which was read the first time, and the report received and agreed to.

Mr. White moved for a suspension of the rules;

Which was lost.

Mr. Totten, from the select committee to whom was referred a bill to be entitled an act, prescribing the mode of collecting costs in certain cases, and for other purposes, reported the same back to the house with an amendment thereto;

Which was received.

The question was then taken on agreeing to the report and decided in the affirmative.

The question then recurred on the passage of the bill;

Which being taken, was decided in the affirmative by yeas and nays as follows:

Those who voted in the affirmative are,

Mr. Speaker, Messrs. Abbott, Beene, Berry of Simpson, Berry of Tippah, Buford, Campbell, Cannon, Chambers, Connell, Cowan, Craine, Dilworth of Monroe, Dilworth of Tishemingo, Gibbs, Gilleland, Green of Tippah, Griffin, Guy, Harris, Harrison, Hindt, Holleman, Huie, Hyneman, Kennedy, Leigh, Malone, Maxey, McAfee, McCaughan, McDonald, Metcalf, Millsaps, Moore, Pettus, Potts, Robertson, Singleton, Smyth of Winston, Thompson, Totten, Walker, Warren, Weathersby and York—46.

Those who voted in the negative are,

Messrs. Alcorn, Allen, Archer, Baily, Beaty, Binford, Brooks, Carson, Chewning, Cushman, Cypert, Emanuel, Ewing, Farrar, Fontaine, Foster, Fowles, Frost, Greaves, Leonard, Loper, McInnis, Nash, Netterville, North, Pendleton, Pope, Rossman, Rushing, Sessions, Sharkey, Simmons, Simrall, Smiley, Smith of Washington, Spann, Stuart, Torrey and White—39.

Mr. Walker, from the joint standing committee on enrolled bills, reported that they have examined

An act, to authorize the change of venue in the case of the state of Mississippi, against James P. Porter;

An act, to incorporate the officers and members of Houston lodge, of free and accepted masons in the town of Houston in Chickasaw county;

An act, for the relief of Wm. E. T. Griffith;

And found the same correctly enrolled.

Mr. Alcorn, from the select committee, to whom was referred a bill to be entitled,

An act, to authorize the police court of Coahoma county to appoint patrols, reported the same back to the house with sundry amendments thereto;

Which was received.

On motion of Mr. Simrall,

The house took a recess until 3 o'clock, p. m.

THREE O'CLOCK, P. M.

The house resumed its session.

The question recurred on agreeing to the report of the select committee to whom was referred a bill entitled,

An act, to authorize the police court of Coahoma county to appoint patrols.

Mr. Griffin offered the following amendment to the report by way of additional section.

SEC.—That the captain of each patrol, so appointed, shall be a slave holder;

Which was adopted, and the report agreed to as amended.

Mr. Emanuel, from the select committee to whom was referred a resolution relating to an appropriation to aid the citizens of Vicksburg in rebuilding their hospital; reported,

A bill to be entitled,

An act, to aid the citizens of Vicksburg in building a hospital;

Was read the first time, and the report received and agreed to.

On motion of Mr. Emanuel,

The rule was suspended, the bill read the second time, and referred to the committee of the whole this evening at half past 4 o'clock.

On motion of Mr. Abbott,

Resolved, That the clerk inform the house what number of assistant clerks are now employed by him; and further, whether the business of his department cannot be performed with a less number than are now employed; and if so, he be directed to discharge such as can be dispensed with, without detriment to the proceedings of the house.

The house resolved itself into committee of the whole on its special order entitled,

An act, to repeal an act to prohibit the introduction of slaves into this state as merchandize, or for sale; approved May 13th, 1837, and for other purposes;

Mr. North in the chair.

After some time spent therein, the committee rose, reported progress, and asked leave to sit again on Friday next at 3 o'clock;

Which was received and agreed to.

A message from the senate.

MR. SPEAKER—The president of the senate has signed acts originating in the house as follows:

An act, to revive an act entitled an act to incorporate the towns of Shieldsborough, Pass Christian and Biloxi, in the county of Hancock, and for other purposes, as far as relates to the town of Shieldsboro, in the county of Hancock;

An act to change the name of Rachael Laura Randell to that of

Laura Randell Taylor;

An act, better to provide for the organization of Perry county in this state at each general election;

An act, to incorporate Black Hawk male and female academies, in the county of Carroll;

Preamble and resolutions, asking congress to erect light houses and establish a mail route on the sea coast of Mississippi;

Also, acts originating in the senate, to wit:

An act, to incorporate the officers and members of Houston lodge of free and accepted masons in the town of Houston, in Chickasaw county;

An act, to authorize the change of venue in the case of the state vs. James P. Porter;

An act, for the relief of Wm. E. T. Griffith;

An act, to change the name of Sarah Jane Kendall to that of Sarah Jane Oakley;

An act, to declare Big Bear creek a navigable stream, and for other purposes;

Which I am instructed to present to the speaker of the house for his signature.

The senate have passed bills as follows:

A bill to be entitled,

An act, to preserve the records of the probate court of Lowndes county, Mississippi;

A bill, to be entitled,

An act, to provide for cases where no executor or administrator will qualify under a will;

A bill to be entitled,

An act, to incorporate the trustees of the first Presbyterian church of Yazoo county;

A bill, to be entitled,

An act, to regulate and define the relatioa of master and apprentices;

A bill, to be entitled,

An act, for the relief of Louisa Williams and her children;

A bill, to be entitled,

An act, to change the name of Frances C. Jennison, to that of Frances C. Sharkey;

A bill to be entitled,

An act, to authorize the removal of the slaves of the estate of Thos. Hardeman, to the state of Tennessee;

In which I am instructed to desire the concurrence of the house;

The senate have passed bills from the house as follows:

A bill to be entitled,

An act, to authorize and empower the clerk of the circuit court of Hinds county to transcribe certain books therein mentioned, and for other purposes;

A bill to be entitled,

An act, to amend an act, approved 23d February, 1844, altering and amending the act incorporating the town of Houston, in the county of Chickasaw;

A bill to be entitled,

An act, to change the time of holding the probate court of the county of Newton.

On motion of Mr. Pendleton,

Resolved, That the committee of ways and means have the privilege to employ a clerk for two days, or longer, if necessary.

The following communication was received from J. D. Montgomery, clerk of the house of representatives:

To the Hon. James Whitfield,

Speaker of the House of Representatives:

Sir—In obedience to the resolution, which has this day passed the house of Representatives, calling upon the clerk to inform the house what number of assistant clerks are now employed by him; and whether the business of his department cannot be performed with a less number, &c., I beg leave most respectfully to submit the following statement:

LIST OF ASSISTANT CLERKS.

N. G. North, reading clerk;	appointed	5th	January,	1846.
J. M. Childs, 1st assistant at the desk	"	"	"	"
E. P. Russell, 2nd "	"	"	"	"
James George, 1st engrossing clerk	"	6th	"	"
Edward Pickett, 2nd "	"	"	"	"
J. H. Westbrooks, 3d "	"	12th	"	"
Thos. B. Ozment, 1st enrolling "	"	6th	"	"
M. W. Moody, 2nd "	"	"	"	"
Chas. A. Wade, copying the journals	"	"	"	"

I can state, for the information of the house, that so far, there

has not been sufficient business to keep them all actively employed, and that so far as I can form an opinion as to the business, there will not be enough to keep them engaged. I will say that I can, in all probability, get along with the business with two less than I have. It was by the suggestion of the speaker of the house, as well as members who had been in the legislature for a number of years, that I appointed as many as I have.

I can state with pleasure, that I am well pleased with every one whom I have appointed to assist me. I have no complaint to urge against any one of them. They are always ready and willing to perform any, or all of the duties assigned to them.

I am very respectfully,

Your obedient servant,

J. D. MONTGOMERY,

Clerk of the house of representatives.

Jackson, February 4, 1846.

Mr. Sharkey moved that the communication be referred to a select committee of three, with instructions to report on the last day of the session.

Before the question was taken,

On motion of Mr. Alcorn,

The house adjourned.

THURSDAY, FEBRUARY 5, 1846.

The house met pursuant to adjournment;

And its deliberations were opened with prayer by the Rev. Mr. Taylor of Jackson.

The following message was received from the senate by Mr. Wilcox, their secretary:

MR. SPEAKER—The senate have passed a bill of the following title:

A bill, to be entitled,

An act to repeal an act to prevent the sacrifice of real estate sold under executive decrees in chancery and deeds of trust.

The senate have concurred in the amendment made by the house to

The senate bill entitled,

An act to amend the revenue laws of this state.

Also, to the amendment made by the house, to the amendment made by the senate, to

A bill, entitled,

An act for the relief of Tillman Mitchell, late sheriff of Kemper county;

And have passed a bill from the house,

To be entitled,

An act to incorporate the Pontotoc male academy.

Mr. North presented the petition of the Agricultural Bank of Mississippi;

Which was read and laid on the table.

Mr. Huie presented the claim of John Nolen;

Which was referred to the committee on claims.

Mr. Greaves presented the petition of Dudly S. Jennings;

Which was referred to the committee on claims.

Mr. Greaves presented the claim of George W. Harper, *et al*;

Which was referred to the committee on incorporations.

Mr. Green of Tippah, presented the memorial of the assistant clerks of the house of representatives;

Which was referred to a select committee of three, consisting of Messrs. Green, Abbott and Farrar.

Mr. Abbott presented the claim of the members of the Columbus riflemen;

Which was referred to the committee on claims.

Mr. Cushman presented the petition of R. Josselyn, *et al;*

Which was referred to the committee on claims.

Mr. Singleton presented the petition of Thomas Griffin;

Which was referred to the committee on the judiciary.

Mr. Singleton presented the petition of sundry citizens of Madison county;

Which was referred to the committee on education;

Mr. Lemly presented the petition of the members of the board of Police of Smith county;

Which was referred to a select committee of three, consisting of Messrs. Lemly, Brooks and McDonald.

Mr. Warren, from the committee on county boundaries, to whom was referred,

A bill, to be entitled,

An act to attach a portion of the county of Yazoo to the county

of Warren, reported the bill back to the house without amendment;

Which was received and agreed to, the bill read the third time, and passed.

Mr. Warren, from the same committee, to whom was referred the petition of sundry citizens of Tallahatchee county; also, the petitions of sundry citizens of Warren county, reported that it is inexpedient to grant the prayer of the petitioners;

Which was received and agreed to.

Mr. Warren, from the same committee, to whom was referred the petitions of sundry citizens of Itawamba county, reported that it is inexpedient to grant the prayer of the petitioners;

Which was received.

Mr. Fontain moved to recommit the petition, with instructions to report favorably to the prayer of the petitioners;

Which was lost.

The question was then taken on agreeing to the report, and decided in the affirmative.

Mr, Connell, from the joint standing committee on claims, to whom was referred a bill for the relief of George Holly of Harrison county, reported the same back to the house without amendment;

Which was received and agreed to, the bill read the third time, and passed with its title as stated.

Mr. Connell, from the same committee, to whom was referred a bill for the relief of William O. Kelly, of Claiborne county, reported the same back to the house, and deemed it inexpedient to pass the bill;

Which was received and agreed to.

Mr. Singleton, from the committee on propositions and grievances, to whom was referred the petition of H. V. M. Ledbetter, of the county of Issaquena, praying to be released from the purchase of the 16 section of school land, known as Tennessee landing; in T. 9 of R. 9 west, reported that there is nothing set forth in said petition, which in their estimation would authorize this house to take any action on the subject;

Which was received and agreed to.

Mr. Totten, from the judiciary committee, to whom was referred a resolution of the house, instructing them to inquire into the ex-

pediency of demanding of the treasurer of the U. States, all monies due the state of Mississippi, on account of the two and three per cent. funds, reported that the subject matter of said resolution, is an inquiry which appropriately belongs to the committee of ways and means, and asked to be discharged from its further consideration.

Mr. Totten, from the same committee, to whom was referred

A bill from the house, entitled,

An act relative to the bonds of public officers in this state, reported that it is inexpedient to pass the bill;

Which was received, and the report laid on the table.

Mr. Totten, from the same committee, to whom was referred a resolution of the house, instructing them to inquire into the expediency of defining by law, some uniform rule in the allowance of claims against the state, and to regulate the rules in barring or limiting the time in which accounts shall be presented against the state, reported that it is inexpedient to legislate on the subject;

Which was received and agreed to.

Mr. Totten, from the same committee, to whom was referred,

A senate bill, entitled,

An act to amend an act entitled an act to amend the several acts of limitations, approved February 24, 1844, reported the same back to the house, without amendment, and recommended its passage;

Which was received, and,

On motion of Mr. Cushman,

Made the special order of the day for Monday next at 12 o'clock.

Mr. Wade, from the committee on ways and means, to whom was referred the petition of W. V. Raney, sheriff of Lauderdale county, asking further time to collect the tax of said county, reported that there is a general bill now in progress, embracing the prayer of the petitioner;

Which was received, and the report laid on the table.

Mr. White, from the select committee, to whom was referred the claim of Henry F. Bennet, reported that they have carefully examined the account, receipts and affidavit, and have rejected a part of the account for mileage, it being more than allowed by law, and reported a bill for the relief of H. F. Bennet;

Which was read the first time, and the report received and agreed to.

On motion of Mr. White,

The rule was suspended, the bill read the second time, and made the special order of the day for committee of the whole, on Saturday next.

Mr. Abbott, from the select committee, to whom was referred,

A bill to be entitled,

An act supplemental to an act entitled an act to define the powers and duties of the boards of police of Monroe, Chickasaw and Noxubee counties, reported the same back to the house with an amendment thereto, and recommended the passage of the bill as amended;

Which was received and agreed to.

On motion of Mr. Walker,

The amendments were ordered to be engrossed, and the bill made the special order of the day, for Tuesday next.

Mr. McAfee, from the select committee, to whom was referred,

A bill to reduce the per diem pay of the members of county police, clerk of probates and judge of probates in the county of Itawamba, reported a new bill to the house, embracing the amendments offered as a substitute, and recommended its passage;

Which was read the first time, and the report received and agreed to.

On motion of Mr. Hinds,

The rule was suspened and the bill read the second time.

On motion of Mr. Fontaine,

The county of Pontotoc was stricken out of the 1st section.

On motion of Mr. Abbott,

The county of Lowndes was stricken out.

On motion of Mr. Moody,

The county of Clarke was stricken out.

On motion of Mr. Pettus,

The county of Kemper was added.

On motion of Mr. Millsaps,

The county of Pontotoc was inserted in the 2nd section.

On motion of Mr. Griffin,

The county of Tippah was stricken out of the 2nd section.

Mr. Gibbs moved to strike out Tishemingo, and insert no per diem to Tishemingo.

Mr. Maxcy moved the indefinite postponement of the whole subject.

Mr. Moore called for the previous question;

Which was sustained.

The question was then taken: shall the main question be now put? and the question was taken on the engrossment of the bill, and decided in the affirmative,

And the bill made the special order of the day for 12 o'clock to-morrow.

The following message was received from the senate, by Mr. Wilcox their secretary:

Mr. Speaker—The senate have given leave to the introduction of bills of the following titles:

A bill, to be entitled,

An act to incorporate Evening Star lodge No. 70;

A bill, to be entitled,

An act to authorize and empower the governor to appoint a private secretary, and for other purposes;

A bill, to be entitled,

An act to cancel certain payments of taxes therein named, and to require the sheriff of Warren county to collect the same, and for other purposes;

A bill, to be entitled,

An act to incorporate the town of Raleigh, in the county of Smith, and to repeal the acts heretofore passed, incorporating said town;

A bill, to be entitled,

An act for the relief of W. S. Langley;

A bill, to be entitled,

An act for the relief of the sheriff of Lauderdale county;

A bill, to be entitled,

An act providing for the sale of the Chickasaw school lands;

The president of the senate has signed acts originating in the senate of the following titles:

An act to amend an act entitled an act to re-organize the judicial districts of the state of Mississippi, approved February 4th. 1844.

An act amendatory of the laws for the relief of the poor;

An act to establish an inferior court of chancery in the southern part of this state;

An act to incorporate the Aberdeen female academy;

Which I present to the speaker of the house of representatives for his signature.

Mr. Sessions, from the joint standing committee on enrolled bills, made the following report:

Mr. Speaker—The joint standing committee on enrolled bills, have this day presented to his excellency the governor, for his approval and signature, bills of the following titles, originating in the senate:

An act for the relief of William E. T. Griffith;

An act to change the name of Sarah Jane Kendall, to that of Sarah Jane Oakley;

An act to declare Big Bear Creek a navigable stream, and for other purposes;

An act to authorize the change of venue in the case of the state of Mississippi vs. James P. Porter;

An act to incorporate the officers and members of Houston lodge of free and accepted masons, in the town of Houston, Chickasaw county;

An act to repeal certain laws in relation to the road hands in Honey Island, in Holmes county;

An act for the relief of Isaac Chrisman, and for other purposes;

Originating in the house of representatives.

An act to revive an act entitled an act to incorporate the towns of Shieldsborough, Pass Christian and Biloxi, in the county of Hancock, and for other purposes, as far as relates to the town of Shieldsborough in the county of Hancock;

An act to change the name of Rachael Laura Randell to that of Laura Randell Taylor;

An act better to provide for the organization of Perry county in this state, at each general election;

An act to incorporate Black Hawk male and female academies in the county of Carroll;

Preamble and resolution, asking congress to erect light houses, and establish a mail route on the sea coast of Mississippi.

The joint standing committee on enrolled bills, have this day examined,

An act to amend an act approved 23d February, 1844, altering and amending the act incorporating the town of Houston in the county of Chickasaw;

An act to change the time of holding the probate court of the county of Newton;

An act to authorize and empower the clerk of the circuit court of Hinds county to transcribe certain books therein mentioned, and for other purposes;

An act to incorporate the town of Chulahoma, in the county of Marshall;

An act to establish the county site of Washington county.

Also, an act to incorporate the president and trustees of the Aberdeen female academy, in the town of Aberdeen;

An act amendatory of the laws for the relief of the poor;

An act to amend an act entitled an act to re-organize the judicial district of the state of Mississippi, approved February 3rd, 1844;

An act to establish an inferior court of chancery in the southern part of this state.

And have found the same correctly enrolled.

On motion of Mr. Hyneman,

Resolved, That the standing committee on state and federal relations, be and they are hereby instructed to draft suitable resolutions recommending congress to provide for the organization of a new state, from the territory inhabited by the Choctaw and Chickasaw Indians, with the view of admitting said state, and its inhabitants, into the Union, and report the same to this house.

Mr. Fowles introduced a series of resolutions, raising a select committee memorializing congress to grant to the counties of Adams and Wilkinson, certain lands, subject to overflow, for the use of common schools in said counties;

Which was laid on the table for the present.

The house resolved itself into committee of the whole on its special order, entitled,

An act to aid the citizens of Vicksburg in building a hospital in place of the one destroyed by fire;

Mr. Allen in the chair.

After some time spent therein, the committee rose, reported the bill back to the house without amendment, and recommended its passage;

Which was received.

The question was then taken on agreeing to the report, and decided in the affirmative.

The question then recurred on the passage of the bill;

Mr. York offered the following amendment, by way of ryder:

Be it enacted, That the appropriation be made out of the two per cent. fund; which,

On motion of Mr. Sharkey,

Was rejected.

The question was then taken on the passage of the bill, and decided in the affirmatime, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Mr. Speaker, Messrs. Adams, Alcorn, Allen, Baily, Beaty, Binford, Brooks, Buford, Carson, Chewning, Crain, Emanuel, Ewing, Foster, Fowles, Gilleland, Greaves, Harrison, Head, Huie, Lemly, Leonard, Loper, Maxcy, May, McCaughan, McDonald, McInnis, Metcalf, Nash, Netterville, North, Pendleton, Pope, Randall, Rossman, Sessions, Sharkey, Simrall, Smiley, Spann, Wade and White—44.

Those who voted in the negative, are

Messrs. Abbott, Beene, Berry of Tippah, Berry of Simpson, Bynum, Campbell, Cannon, Chambers, Connell, Cowan, Cypert, Dilworth of Monroe, Dilworth of Tishemingo, Farrar, Fontaine, Frost, Gibbs, Griffin, Guy, Hinds, Holleman, Hughes, Hyneman, Kennedy, Malone, McNabb, Millsaps, Moody, Moore, Pettus, Potts, Robertson, Rushing, Simmons, Singleton, Smyth of Winston, Stuart, Thompson, Totten, Walker, Warren, Weathersby and York—43.

On motion of Mr. Simrall,

The house took a recess until 3 o'clock.

THREE O'CLOCK, P. M.

The house resumed its session.

Mr. Harris, by leave, introduced,

A bill, to be entitled,

An act to amend an act entitled an act to regulate the mode of obtaining license to sell vinous and spirituous liquors, and to amend an act entitled an act for the suppression of tippling houses, and to prevent the odious vice of drunkenness, approved February 22, 1842;

Which was read the first time.

The following message was received from his excellency the governor by Mr. Nicholson his private secretary:

Mr. Speaker—I am instructed by his excellency the governor, to inform the house of representatives, that he has this day approved and signed bills which originated in the house, of the following titles:

An act better to provide for the organization of Perry county in this state, at each general election;

An act to change the name of Rachael Laura Randell, to that of Laura Randell Taylor;

An act to incorporate Black Hawk male and female academy, in the county of Carroll;

An act to revise an act entitled an act to incorporate the towns of Shieldsborough, Pass Christian and Biloxi, in the county of Hancock, and for other purposes, so far as relates to the town of Shieldsborough, in the county of Hancock;

Preamble and resolution, asking congress to erect light houses on the sea coast of Mississippi.

The house resolved itself into committee of the whole, on the bill to be entitled,

An act to repeal the 8th, 9th, 10th, and 11th sections of an act to prescribe the mode of proceeding against incorporated banks, for a violation of their corporate franchise, and against persons pretending to exercise corporate privileges, under acts of incorporation, and for other purposes, approved 26th July, 1843;

Mr. Wade in the chair.

After some time spent therein, the committee rose, reported progress, and asked leave to sit again on to-morrow at 11 o'clock;

Which was received and agreed to.

On motion of Mr. Fontaine,

The house adjourned.

FRIDAY MORNING, FEBRUARY 6, 1846.

The house met pursuant to adjournment;

And its deliberations were opened with prayer by the Rev. L. J. Halsey, of Jackson.

The following message was received from the senate by Mr. Wilcox their secretary:

MR. SPEAKER—The senate have passed the following bill:

A bill to be entitled,

An act, to incorporate the southern rail road company.

In which I am instructed to desire the concurrence of the house of representatives.

The senate have passed bills from the house as follows:

A bill to be entitled,

An act, to incorporate the trustees of Zion seminary, in the county of Covington;

A bill to be entitled,

An act, to prohibit the police court of Sunflower county from levying a special tax, except in certain cases herein provided.

Mr. Simrall, from the standing committee on incorporations, to whom was referred a petition signed by six of the citizens of the town of Commerce, in the county of Tunica, praying the legislature to amend the charter of said town, &c.; and also, a counter memorial of an equal number of other citizens of said town; reported that they cannot discover from the petition, or counter memorial, what is the wish of the citizens of Commerce on this subject, and that therefore it is inexpedient to legislate on the subject;

Which was received and agreed to.

Mr. Simrall, from the same committee, to whom was referred the petition (accompanied with a bill) of sundry citizens of the town of Salem, in the county of Tippah, praying for certain amendments to the charter of said town; reported the bill back to the house with an amendment;

Which was received and agreed to, the amendment ordered to be engrossed, and made the special order of the day for to-morrow at 1 o'clock.

Mr. White, from the joint standing committee on enrolled bills, reported that they have examined

An act, to incorporate the Pontotoc male academy;

An act, to incorporate the trustees of Zion seminary, in the county of Covington;

An act, to prohibit the police court of Sunflower county from levying a special tax, except in certain cases herein provided;

An act, to amend the revised laws of this state;

An act, to attach a portion of the county of Yazoo to the county of Warren;

And have found the same correctly enrolled.

Mr. Griffin, from the select committee to whom was referred,

A bill to be entitled,

An act, to amend an act entitled an act to incorporate the Chuquatontia turnpike company, reported, that said bill should not become a law without the amendment made to the same by the house; and recommended that said amendment be adhered to by the house;

Which was received and agreed to.

Mr. Green, of Tippah, from the select committee to whom was referred a resolution, calling on the clerk of the house to inform the house what number of assistant clerks are now employed by him, &c., together with the memorial of the assistant clerks; reported, that it would be inexpedient to discharge any of said clerks;

Which was received and agreed to.

Mr. Moody, from the committee to whom was referred that part of the governor's special message, relative to the rail road and turnpike companies of the counties of Newton aed Lauderdale reported,

A bill to be entitled,

An act, requiring the liabilities of the president and directors of the rail road and turnpike companies in the counties of Newton and Lauderdale, with their securities, to be put in suit;

Which was read the first time,

And the report received and agreed to.

On motion of Mr. Moody,

The rule was suspended, the bill read the second time, and ordered to be engrossed for a third reading on to-morrow.

Mr. Sharkey, from the select committe to whom was referred the petition of sundry citizens of Warren county, praying for a levee law for that county, reported,

A bill to be entitled,

An act, to provide for erecting a levee on the banks of the Mississippi river in Warren county;

Which was read the first time, and the report received and agreed to.

On motion of Mr. Sharkey,

The rule was suspended, the bill read the second time, and ordered to be engrossed and made the special order of the day for Monday next.

Mr. Totten, by leave, introduced

A bill, to be entitled,

An act, for the relief of C. A. Wade;

Which was read the first and second time, and referred to the committee on claims.

Mr. Berry of Simpson, by leave, introduced

A bill to be entitled,

An act, to authorize Nancy Gowan, administratrix, to transfer the administration of the estate of Meredith Gowan, deceased, from the probate court of Copiah county to the probate court of Simpson county;

Which was read the first and second time, and ordered to be engrossed, and made the special order of the day for Tuesday next.

Mr. North, by leave, introduced

A bill to be entitled,

An act, to amend the laws of this state in relation to forcible and unlawful entry and detainer;

Which was read the first and second time, and referred to the judiciary committee.

Mr. Potts, by leave, introduced

A bill, to be entitled,

An act, to authorize the boards of police of Marshall county to improve the Holly Springs and Pontotoc road;

Which was read the first, second and third time forthwith, and passed with its title as stated.

Mr. Greaves, by leave, introduced

A bill, to be entitled,

An act, relative to the probate judge of Hinds county;

Which was read the first and second time, and referred to the judiciary committee.

Mr. Green of Tippah, by leave, introduced

The bill, to be entitled,

An act, amendatory of an act to authorize the appeals from the decisions of justices of the peace to the circuit court, approved Feb. 22nd, 1842;

Which was read the first and second time, and referred to the judiciary committee.

Mr. Foster was granted leave to withdraw the petition of Wm. V. Rainey.

Mr. Dilworth of Tishemingo, by leave, introduced

The bill, to be entitled,

An act, to authorize the boards of police of Tishemingo county to locate a poor house;

Which was read three several times and passed with its title as stated.

On motion of Mr. Fowles,

The resolution he presented on yesterday was called from the table and the resolution adopted.

The chair appointed Messrs. Fowles, Pendleton, Simrall, Nash, McNabb and Moody said committee on the above resolution.

Mr. Singleton, by leave, introduced a memorial to the congress of the United States;

Which was read the first time,

Mr. Hyneman, by leave, introduced

A bill, to be entitled,

An act, to bring into one the several acts relating to stays on executions emanating from justices courts and for other purposes;

Which was read the first and second time, and referred to the judiciary committee.

The following message was received from the Senate, by Mr. Wilcox, their Secretary,

Mr. Speaker—The senate have passed bills from the house as follows:

A bill, to be entitled,

An act, for the relief of William Brown;

A bill, to be entitled,

An act, to incorporate the Fulton engine company No. 3, of Vicksburg;

A bill to be entitled,

An act, to incorporate the Phœnix engine company No. 2, of Vicksburg.

The senate have passed bills as follows:

A bill to be entitled,

An act, for the benefit of the sheriffs of Coahoma, Washington, and Issaquena counties;

A bill to be entitled,

An act, to change the name of Matilda Ann Wordell, to that of Matilda Ann Luckey;

In which I am instructed to desire the concurrence of the house of representatives.

The president of the senate has signed acts originating in the senate as follows:

An act, to amend the revenue laws of this state;

An act, to attach a portion of the county of Yazoo to the county of Warren.

Also, bills originating in the house as follows:

An act, to amend an act, approved 23d February, 1844, altering and amending the act incorporating the town of Houston, in the county of Chickasaw;

An act, to establish the county seat of Washington county;

An act, to incorporate the town of Chulahoma, in the county of Marshall;

An act, to authorize and empower the clerk of the circuit court of Hinds county to transcribe certain books therein mentioned, and for other purposes;

An act, to change the time of holding the probate court of the county of Newton;

An act, to incorporate the trustees of Zion seminary, in the county of Covington;

An act, to prohibit the police court of Sunflower county from levying a special tax, except in certain cases herein provided;

An act, to incorporate the Pontotoc male academy.

The senate have given leave to the introduction of bills as follows:

A bill to be entitled,

An act, to fix an apportionment of senators and representatives in this state;

A bill to be entitled,

An act, amendatory of an act, approved 26th July, 1843, regulating the proceeding by quo warranto, against incorporations in certain cases;

A bill to be entitled,

An act, to repeal the law of liens upon judgments in justices courts, and for other purposes;

A bill to be entitled,

An act, to authorize the taking of depositions in criminal cases.

And have passed bills from the house as follows:

A bill to be entitled,

An act, to authorize the board of police of Tishemingo county to locate a poor house;

A bill to be entitled,

An act, to repeal the section of an act entitled an act to regulate the interest on the school fund, and for other purposes;

A bill to be entitled,

An act, to authorize foreign guardians to remove the property of their wards out of this state;

A bill to be entitled,

An act, to legalize George W. Hicks.

The senate have adopted the following joint resolution:

Resolved, That the committees raised in the senate and house of representatives, to take into consideration that portion of the governor's message in relation to the establishment of a lunatic asylum be hereafter with the consent of the house, a joint standing committee.

The senate insist upon their disagreement to the amendment, made by the house of representatives, to a bill from the senate entitled an act to amend an act entitled an act to incorporate the Chuquatontia turnpike company.

The house resumed its session in committee of the whole on its special order relative to incorporated banks, &c.;

Mr. Wade in the chair.

After some time spent therein, the committee rose, reported progress, and asked leave to sit again at 3 o'clock;

Which was received and agreed to.

On motion of Mr. Totten,

The house adjourned until 3 o'clock p. m.

3 O'CLOCK P. M.

The house met;

And the committee of the whole resumed its session on the subject before it at its adjournment,

Mr. Wade in the chair.

After some time spent therein, the committee rose, reported progress, and asked leave to set again to-morrow at 11 o'clock;

Which was received and agreed to.

On motion of Mr. Cushinan,

The house adjourned.

SATURDAY, FEBRUARY 7, 1846.

The House met pursuant to adjournment;

And its deliberations were opened with prayer by the Rev. Dr. Leavell, of Jackson.

Mr. White, from the joint standing committee on enrolled bills, reported that they have examined

An act for the relief of Tillman Mitchell, late sheriff of Kemper county;

An act for the relief of William Brown;

An act to incorporate the Phœnix engine company No. 2, of Vicksburg;

An act to legalize George Hicks;

An act to incorporate the Fulton fire engine company No. 3, of Vicksburg;

An act to authorize the board of police of Tishemingo county, to locate a poor house;

An act to repeal the second section of an act entitled an act to regulate the interest on the school fund, and for other purposes;

An act the authorize foreign guardians to remove the property of their wards out of this state;

And have found the same correctly enrolled.

Mr. Harrison, by leave, introduced,

A bill, to be entitled,

An act to repeal an act to incorporate the town of Panola, in the county of Panola, approved February 27, 1840;

Which was read the first and second time,

And ordered to be engrossed for a third reading on to-morrow.

Mr. Ewing, by leave, introduced a resolution granting leave of absence to Edgar A. M. Gray;

Which was read three several times and adopted,

The senate bill, entitled,

An act to incorporate the southern rail road company;

Was read the first time; and,

On motion of Mr. McCaughan,

Two hundred and fifty copies were ordered to be printed.

Mr. Moore offered the following resolution:

Resolved, That the several bills that now are, or may hereafter come before this house, to wit:

To apportion representation among the several counties of the state;

To establish volunteer companies, for the more efficient military organization of the state;

The southern railroad bill;

For the payment of the Planters' Bank bonds, and coupons;

The bill to provide for the sale of the Chickasaw school lands, and 500,000 acres of land, donated to the state for purposes of internal improvement within the state;

A bill providing for the construction of a levee on the Mississippi river, for the protection and improvement of the state lands;

Shall each have precedence on the orders of the day as they stand arranged in this resolution; and no other business shall be in order after the hour of 12 o'clock, until all the said bills shall receive one reading each day, or be otherwise disposed of—*Provided*, that any bill or resolution of a general nature, reported from the committee of ways and means, or the committee on claims, shall have precedence of all other business on the orders of the day, and shall be first considered. And *provided further*, that nothing in this resolution shall be construed to alter the existing rules in relation to messages from the senate, until the same shall be read one time, and placed regularly on the calendar;

Which by rule lies one day on the table.

Mr. Adams made the following minority report:

The undersigned dissenting, from the report made by the majority of the committee, appointed to take into consideration the

petition of Sundry citizens of Issaquena county, [illegible] house presented the following as the reasons which [illegible] him in refusing to grant the prayer of the petitioners:

The petition sets forth the grievances and inconveniences [illegible] petitioners, in getting to their seat of justice, &c., &c., and is signed by forty persons, a majority of whom do not reside in the district sought to be attached to Yazoo county, and of course could not be benefitted by the grant of their petition. The remaining portion are chiefly overseers and wood-choppers, who own no lands in the county, and have no permanent residence either there, or in any other county. This district is low and [illegible] and subject to inundation, and the citizens, who labor under the greatest inconvenience in high water, would be compelled to use skiffs and other water crafts in getting to the seat of justice, even in Yazoo county. The owners of property and plantations, do not in general, reside there, but in the adjoining counties, and of course their more important business is transacted out of Issaquena, but in the county of their residence. It is believed that the object of at least one-half of the petitioners was to call off all opposition to the project of locating the seat of justice upon the Mississippi river, and accordingly it will be recollected that their representative at an early day in the session, introduced a bill for that purpose, thereby greatly increasing the inconveniences of the citizens on the eastern side of the county in reaching their seat of justice, and rendering the project of attaching them to Yazoo more plausible, and the necessity more urgent. It will be seen by reference to the map of Issaquena, that the extreme length of the county, is about thirty-nine miles, and the extreme width thirty-three miles; now if the seat of justice be located on or near the centre of the county, and the roads be laid out in any way near a straight line, no citizen would have to travel a greater distance than twenty-five miles in going to it. It is believed that this would be entirely practicable during the summer months and fall seasons, and in the winter and spring, the inconveniences must be borne until the water courses in the county are laveed, or the citizens seek more favored and convenient locations. The undersigned denies the right of the legislature to relieve the petitioners from the difficulties and inconveniences in which they have voluntarily placed themselves, particularly when that relief is

afforded at the expense of their unoffending neighbors, which will surely be the case in the present instance. The bill reported, proposes to attach about nine additional townships to Yazoo county, lying directly west of Yazoo city; this would place that town near the centre of the county, and as a matter of course, would carry the court house to that place, at no very distant day; the majority of the citizens reside south and east of Benton, the present seat of justice. To these it would increase the distance to the court house, ten miles, while a majority of the balance of the citizens would be greatly inconvenienced. Surely the convenience of at least seven hundred voters in Yazoo county, should be consulted, rather than twenty voters in Issaquena. The representative from that county, proposes to let the seat of justice remain as at present located; if so, I should think to attach the petitioners to Yazoo, would be no convenience to the most of them who live chiefly on Silver Creek and would have to travel from twenty to thirty miles to get to the court house; whereas, if the county boundaries remain as they now are, with the county site in the centre of the county, a majority of the citizens on Silver Creek would be nearer on a straight line by one half to their own court house, than they would to the court house in Yazoo county. This fact will be plainly seen, by reference to the map of the counties, and should convince any man of the ultimate object of the petitioners. The majority of the committee, in their extreme liberality and great zeal for the interests of Yazoo, and sufferings of others, have not confined themselves to the relief of the suffering petitioners of Issaquena, but have extended their commiseration to suffering citizens in other portions of the state, and have therefore, in their reported bill, proposed to attach a large portion—two whole townships of Washington county, lying still north of Issaquena, the citizens of which, no doubt, are similarly situated, and should be relieved.

Should the proposed addition of territory result as I have shown it would do, in the removal of the seat of justice from its present location, it will involve the county in a heavy debt and burthensome taxation for the next ten years: for in addition to the sum necessary to erect new public buildings, the county will be compelled to pay the whole value of all lots and improvements in the town of Benton, the cost of which, is estimated at $100,000.

These lots were donated to the county by an individual, upon the express condition, that it should remain the permanent seat of justice for the county, and of course, when the condition on which it was granted fails, the property will revert to the grantor, and in as much as the county has sold and warranted the title to the lots, it would be compelled to pay not only the price of the lots, but the whole value of the improvements placed upon them. This cannot and will not be denied.

For refusing the prayer of the petition, these reasons are deemed sufficient to out-weigh any grievances under which the petitioners may labor; and it is hoped, will influance the action of the legislature upon this matter. All of which is respectfully submitted.

ADAMS.

Which was laid on the table.

Mr. Lemly made the following minority report:

MR. SPEAKER—The undersigned members of the committee to whom was referred the governor's special message, relating to the Newton and Lauderdale rail road and turnpike company, differing with the majority of the committee in some respects, beg leave to submit the following report.

The undersigned have not been able to determine from the evidence before them, whether the amount of money loaned by the state to said company, has been appropriated by the company as directed by the act making the loan, or not. They are satisfied, however, that the subject should be judicially inquired into, to the end that the obligors may have a fair opportunity of making their defence, and if they have not discharged the duties imposed upon them, that the state shall recover the amount loaned.

The undersigned have heard that the whole amount has not been appropriated, and that the company are ready to settle with any person authorized to settle the same. If this be the fact, (which we do not vouch for,) the undersigned would recommend that the governor and attorney general be authorized and empowered to settle the same without suit, but if the company should fail to make such settlement, as in the opinion of the governor and attorney general is fair and equitable, then, that he be required to

institute suit. All of which is respectfully submitted.

J. E. SHARKEY,
T. L. LEMLY.

Which was received.

Mr. Griffin, by leave, introduced,

A bill, to be entitled,

an act to protect widows and orphans;

Which was read the first time.

On motion of Mr. Kennedy,

The bill, entitled,

An act to fix the apportionment of representatives and senators in this state;

Was called from the orders of the day, read the second time, and made the special order for committee of the whole on Monday next at 11 o'clock.

The senate bill, entitled,

An act for the benefit of the sheriffs of Coahoma, Washington and Issequena counties;

Was read three several times, and passed with its title as stated.

The senate bill, entitled,

An act to change the name of Matilda Ann Woodill, to that of Matilda Ann Luckey;

Was read the first time.

The senate bill entitled,

An act to change the name of Frances C. Jennis to that of Frances C. Sharkey;

Was read three several times, and passed with its title as stated.

The senate bill, entitled,

An act to preserve the records of the probate court of Lowndes county, Mississippi;

Was read three several times, and passed with its title as stated.

The senate bill, entitled,

An act to provide for cases where no executor or adminstrator will qualify under a will, &c.;

Was read the first time.

Message from the senate by Mr. Wilcox their secretary:

Mr. Speaker:—The senate have passed bills from the house of representatives as follows:

A bill, to be entitled,

An act locating the seat of justice for the county of Hancock, and for other purposes;

A bill, to be entitled,

An act to aid the citizens of Vicksburg in building a hospital, in place of the one destroyed by fire, and have made an amendment thereto, by way of ryder.

In which I am instructed to desire the concurrence of the house of representatives.

The senate have passed,

A bill, to be entitled,

An act to authorize the Grand Gulf rail road and banking company to sell their railway, and have made an amendment thereto, by way of ryder;

In which I am instructed to desire the concurrence of the house of represenatives.

The senate bill, entitled,

An act for the relief of Louisa Williams and her children;

Was read the first time.

The senate bill, entitled,

An act to regulate and define the relation of master and apprentice;

Was read the first and second time, and referred to the judiciary committee.

The senate bill, entitled,

An act to authorize the removal of the slaves of the estate of Thomas Hardeman, of the state of Tennessee;

Was read three several times, and passed with its title as stated.

The senate bill, entitled,

An act to repeal an act to prevent the sacrifice of real estate sold under execution, decrees in chancery and deeds of trust;

Was read the first and second time,

And made the special order of the day for Tuesday next.

The senate bill, entitled,

An act to incorporate the trustees of the First Presbyterian church of Yazoo city;

Was read the first time.

On motion of Mr. Cannon,

The house adhered to their amendment to the bills from the senate entitled,

An act to amend an act entitled an act to incorporate the Chu-qua-tontia turnpike company.

The senate bill, entitled,

An act to authorize the Grand Gulf rail road and banking company to sell their railway;

Was read the first time.

Mr. Allen asked for a suspension of rules;

Which was refused.

The amendment by way of ryder, made by the senate to the bill from the house, entitled,

An act to aid the citizens of Vicksburg in building a hospital, in place of the one distroyed by fire;

Was then considered.

Mr. Lemly moved that the house concur in the senate's amendment;

Several amendments being offered, and decided out of order.

The question was then taken on Mr. Lemly's motion to concur and decided in the affirmative.

The committee of the whole, resumed the consideration of the bill relative to incoporated banks;

Mr. Wade in the chair.

After some time spent therein, the committee rose, reported progress, and asked leave to sit again at half past 3 o'clock this evening;

Which was received and agreed to.

On motion of Mr. Alcorn,

The house took a recess until half past 3 o'clock, p. m.

HALF PAST THREE O'CLOCK, P. M.

The house met;

And the committee of the whole resumed its session;

Mr. Wade in the chair.

After some time spent therein, the committee rose and reported the bill back to the house with an amendment, and recommended that it do not pass;

Which was received.

Mr. Totten moved that the report be agreed to.

Before the question was taken,

On motion of Mr. Harris,

A call of the house was had.

On motion of Mr. Totten,

The further call of the house was dispensed with.

Messrs. Berry of Simpson, Walker, Green of Tippah, Lopez, Spann, Pope, Green of Hinds, and McAfee were excused.

Mr. Alcorn moved that the house adjourn;

Which was lost.

Mr. Maxcy offered the following amendment to the report:

Amend by striking out all after the enacting clause, and insert,

"That an act to prescribe the whole mode of proceeding against incorporated banks for a violation of their corporate franchises, and against persons pretending to exercise corporate privileges under acts of incorporations, and for other purposes, approved July 26, 1843, be and the same is hereby repealed;

Which was lost by yeas and nays as follows:

Those who voted in the affirmative, are,

Messrs. Abbott, Adams, Allen, Campbell, Carson, Chambers, Chewning, Crain, Cushman, Farrar, Frost, Gilleland, Greaves, Guy, Harris, Holleman, Kennedy, Leigh, Lemly, Martin, Maxcy, McCaughan, McDonald, McNabb, Metcalf, Moody, Pendleton, Randall, Robertson, Rossman, Singleton, Thompson, Torrey, Wade, Weathersby, Woodbury and York—37.

Those who voted in the negative, are,

Mr. Speaker, Messrs. Alcorn, Archer, Bailey, Beaty, Beene, Berry of Tippah, Binford, Brooks, Buford, Cannon, Connell, Cowan, Cypert, Dilworth of Monroe, Dilworth of Tishomingo, Emanuel, Ewing, Fontaine, Foster, Fowles, Gibbs, Griffin, Harrison, Head, Hinds, Hughes, Hule, Hyneman, Malone, Mann, McInnis, Millsaps, Moore, Nash, Pettigrew, North, Pettus, Potts, Rushing, Sharkey, Simmons, Simrall, Smiley, Smyth of Winston, Stuart, Totten and White—48.

The question was then taken on agreeing to the report, and decided in the affirmative by yeas and nays as follows:

Those who voted in the affirmative, are,

Mr. Speaker, Messrs. Alcorn, Archer, Bailey, Beaty, Beene, Berry of Tippah, Binford, Brooks, Buford, Cannon, Connell, Cowan, Cypert, Dilworth of Tishomingo, Dilworth of Monroe, Emanuel, Ewing, Fontaine, Foster, Fowles, Griffin, Guy,

Harrison, Head, Hinds, Hughs, Hune, Hyneman, Leigh, Malone, McCutchens, Mainsaps, Moore, Nash, Netterville, North, Pettus, Pope, Rushing, Sharkey, Simmons, Simrall, Smiley, Smyth of Winston, Stuart, Totten and White—50.

Those who voted in the negative, are,

Messrs. Abbott, Adams, Allen, Bynum, Campbell, Carson, Chambers, Cheyning, Crain, Cushaman, Farrar, Frost, Gilleland, Greaves, Harris, Holleman, Kennedy, Lenily, Martin, Maxey, McCaughan, McDonald, McNabb, Metcalf, Moody, Pendleton, Randall, Robertson, Rossman, Singleton, Thompson, Torrey, Wade, Weathersby, Woodbury and York—36.

On motion of Mr. Totten,

The house adjourned.

MONDAY, FEBRUARY 9, 1846.

The house met pursuant to adjournment;

And its deliberations were opened with prayer by the Rev. Mr. Taylor, of Jackson.

Mr. Allen, from the standing committee on education, to whom was referred a bill supplementary to an act entitled an act to incorporate the Canton female academy of Madison county, approved 5th February, 1836, reported the same back to the house without amendment.

Which was received, and the bill read the third time.

The question was then taken on the passage of the bill, and decided in the negative.

Mr. Malone, from the committee on the Chickasaw school lands, reported,

A bill, to be entitled,

An act to provide for the sale of the Chickasaw school lands;

Which was read the first time, and the report received and agreed to.

On motion of Mr. Hinds,

The rule was suspended, and the bill read the second time.

On motion of Mr. Allen,

The bill was made the special order of the day for committee of the whole for Wednesday next at 10 o'clock.

Mr. Adams, from the select committee, to whom was referred,

A bill to be entitled,

An act to change the practice of the circuit court of Yazoo county in relation to juries, reported a new bill, to be entitled,

An act to amend the several acts of this state regulating the practice of the circuit courts;

Which was read the first time, and the report received and agreed to.

On motion of Mr. Adams,

The rule was suspended, the bill read the second time and made the special order of the day for committee of the whole on Thursday next at 11 o'clock.

On motion of Mr. Griffin,

The vote taken on the bill supplementary to an act relative to the Canton female academy, was reconsidered.

On motion of Mr. Buford,

The bill was laid on the table.

Mr. McCaughan, from the select committee, to whom was referred a resolution of the house, on the subject of amending the laws of this state, relative to the sale of vinous and spirituous liquors, &c., reported,

A bill, to be entitled,

An act to amend the laws of this state in relation to the sale of vinous and spirituous liquors, and for other purposes;

Which was read the first time, and the report received.

On motion of Mr. Dilworth of Tishemingo,

The report was laid on the table.

Mr. Greaves, from the select committee, to whom was referred the special message of the governor with regard to common schools in the city of Jackson, reported,

A bill, to be entitled,

An act to provide for the erection of permanent school houses in the city of Jackson, and for other purposes;

Which was read the first time, and the report received and agreed to.

Mr. Greaves moved a suspension the rules;

Which was lost.

The following message was received from his excellency the governor by Mr. Nicholson, his private secretary:

To the house of representatives:

I herewith submit to your consideration the report of the company for the improvement of the navigation of the Noxubee river.

A. G. BROWN

EXECUTIVE CHAMBER,
Feb. 9th, 1846.

On motion of Mr. Maxcy,

The message was referred to a select committee of five, consisting of Messrs. Maxcy, Brooks, Hughes, Abbott and Moore.

Mr. May, from the select committee, to whom was referred the petition of Thomas H. Bennet of Tunica county, for the remittance of a certain fine adjudged against him, reported a resolution in relation to remitting said fine;

Which was read the first time, and the report received.

On motion of Mr. May,

The rule was suspended, and the resolution read the second time.

Mr. Cushman, by leave, introduced,

A bill, to be entitled,

An act to legalize the list of writs, executions, and other legal process in the 7th judicial district, and for other purposes;

Which was read three several times, and passed with its title as stated.

Mr. White, by leave, introduced,

A bill to be entitled,

An act to authorize the board of police of Issaquena county to levy a special tax; &c.;

Which was read three several times, and passed.

Mr. Smith of Washington, by leave, introduced,

A bill, to be entitled,

An act to prevent riots, routs, affrays and unlawful assemblies of the people;

Which was read the first and second time, and referred to the judiciary committee.

Mr. Green of Tippah, by leave, introduced,

A bill, to be entitled,

An act to repeal the 8th section of an act entitled, an act for the suppression of tippling houses, and to discourage and prevent the odious vice of drunkenness, approved February 9th, 1839;

Which was read the first and second time and referred to the judiciary committee.

Mr. Pendleton, by leave, introduced,

A bill, to be entitled,

An act to incorporate the Washington lodge No. 2, of the Independent Order of Odd Fellows in the city of Natchez;

Which was read three several times, and passed with its title as stated.

Mr. Campbell, by leave, introduced,

A bill, to be entitled,

An act to define the duties of judges and district attorneys in certain cases;

Which was read the first and second time, and made the special order of the day for committee of the whole on Friday next at 12 o'clock.

Mr. Maxcy, by leave, introduced,

A bill, to be entitled,

An act to attach the county of Noxubee to the 4th judicial district of this state;

Which was read the first time.

Mr. Carson, by leave, introduced,

A bill, to be entitled,

An act to provide for the construction of a levee on the Mississippi river for the protection of the public lands;

Which was read the first time, and 250 copies ordered to be printed.

The special order entitled,

An act to authorize the sale of lands belonging to the sinking fund, and for other purposes;

Was read the third time, and passed with its title as stated.

The house resolved itself into committee of the whole on its special order, entitled,

An act to repeal an act to prohibit the introduction of slaves into this state as merchandize or for sale, approved May 13, 1837, and for other purposes;

Mr. Smith of Washington in the chair.

After some time spent therein, the committee rose, reported progress, and asked and obtained leave to sit again at 3 o'clock, P. M.

On motion of Mr. Harris,

The House took a recess until 3 o'clock.

THREE O'CLOCK, P M.

The house resumed its session.

The following message was received from the senate, by Mr. Wilcox, their secretary:

Mr. SPEAKER—The president of the senate has signed acts originating in the senate, as follows:

An act to authorize the removal of the slaves of the estate of Thomas Hardeman to the State of Tennessee;

An act to preserve the records of the probate court of Lowndes county;

An act to change the name of Francis C. Jennison to that of Francis C. Sharkey;

An act for the benefit of the sheriffs of Washington and Issaquena counties;

Which I am instructed to present to the speaker of the house of representatives for his signature.

The senate have passed bills of the following titles:

A bill, to be entitled,

An act to incorporate Marion lodge No. 62, in the town of Marion, Lauderdale county;

A bill, to be entitled,

An act for the relief of the sheriff of Lauderdale county;

A bill to be entitled,

An act to incorporate Asylum lodge, No. 63, of free and accepted masons in the town of Woodville;

A bill, to be entitled,

An act to incorporate Grand Gulf lodge, No. 41, and for other purposes;

A bill, to be entitled,

An act to provide for the allowance of the claims of physicians for services rendered in certain cases, and for other purposes;

A bill, to be entitled,

An act to incorporate Evening Star lodge, No. 70, &c.;

A bill to be entitled,

An act for the relief of William S. Langley;

A bill, to be entitled,

An act to cancel certain payments of taxes therein named, and to require the sheriff of Warren county to collect the same, and for other purposes;

A bill to be entitled,

An act to incorporate the town of Raleigh, in the county of Smith, and to repeal the acts heretofore passed incorporating said town;

A bill to be entitled,

An act to authorize and empower the governor to appoint a private secretary;

In which I am instructed to desire the concurrence of the house of representatives.

The senate have given leave to the introduction of bills of the following titles:

A bill, to be entitled,

An act to provide in part for the payment of the Planters' bank bonds;

A bill, to be entitled,

An act granting certain powers and privileges to the officers and trustees of organized religious charitable and universal societies within this state.

The senate have passed a bill as follows, from the house of representatives:

A bill, to be entitled,

An act to authorize the board of police of Marshall county to improve the Holly Springs and Pontotoc road;

The senate insist upon their disagreement to the amendment made by the house of representatives to a bill from the senate, to be entitled, an act to amend an act entitled an act to incorporate the Chuquatontia turnpike company, and ask a committee of conference;

And have appointed on the part of the senate, Messrs. Williams, Acker and Johnson.

The committee of the whole resumed its session on the subject before it at its adjournment;

Mr. Alcorn in the chair,

After some time spent therein, the committee rose, reported the bill back to the house, and asked leave to be discharged from the further consideration of the same;

Which was received.

Mr. Warren moved that the bill be recommitted to committee of the whole;

Which was lost.

Mr. Cushman moved that it be referred to a select committee of seven;

Which was lost.

The question was then taken on agreeing to the report;

And sustained.

On motion of Mr. Cannon,

The house adjourned.

TUESDAY, FEBRUARY 10, 1846.

The house met pursuant to adjournment;

And its deliberations were opened with prayer by the Rev. L. J. Halsey, of Jackson.

Mr. Farrar moved to call up the southern rail road bill, in order that it might be read the second time, and made the special order of the day for Thursday next;

Which was lost.

Mr. Archer presented the claim of Edward Johnson;

Which was referred to the committee on claims.

Mr. Harris presented the petition of sundry citizens of Copiah county;

Which was referred to the judiciary committee, with instructions to report by bill or otherwise.

Mr. Allen presented the petition of sundry citizens of Claiborne county;

Which was referred to a select committee of three, consisting of Messrs. Allen, Rossman and Randall.

Mr. Kennedy presented the petition of sundry citizens of Carroll county;

Which was referred to a select committee of three, consisting of Messrs. Kennedy, Binford and Huie.

Mr. Binford presented the petition of John McCarty;

Which was referred to the committee on propositions and greivances.

Mr. Greaves presented the claim of D. H. Dickson;

Which was referred to the committee on claims.

Mr. Greaves presented the petition of P. C. Richards, et al., trustees &c.;

Which was referred to the committee on propositions and greivances.

Mr. McDonald presented the petition of R. R. Abney;

Which was referred to the committee on propositions and greivances.

Mr. Crain presented the petition of sundry citizens of the county of Leake;

Which was referred to a select committee of five, consisting of Messrs. Crain, Metcalf, Gilleland, Wade and Pettus.

Mr. Totten presented the petition of Thos. G. Hill;

Which was referred to the committee on propositions and greivances.

Mr. Moore presented the petition of Perry Cohea of Hinds county;

Which was referred to the committee on claims.

Mr. Harrison presented the claims of W. W. Smith and Geo. T. Shoat;

Which were similarly referred.

Mr. McNabb presented the claim of Jno. Tate:

Which was referred to the committee on claims.

Mr. McNabb presented the petition of James Roberts;

Which was referred to the committee on ways and means.

Mr. Simrall presented the petition of sundry citizens of the county of Wilkinson;

Which was referred to the committee on county boundaries.

Mr. Warren, from the committee on county boundaries, to whom was referred the petition of sundry citizens of Lawrence county, reported that it is inexpedient to grant the prayer of the petitioners;

Which was received and agreed to.

Mr. Totten, from the judiciary committee to whom was referred the senate bill entitled, an act, to regulate and define the duties of masters and apprentices, reported the same back to the house with sundry amendments;

Which was received and agreed to, the bill read a third time, and passed as amended.

The following message was received from the senate, by Mr. Wilcox, their secretary:

Mr. Speaker—The senate have passed bills from the house of representatives as follows:

A bill to be entitled,

An act, authorizing the board of police of Issaquena county to levy a special tax for certain purposes therein mentioned;

A bill to be entitled,

An act, for the relief of George Holly, of Harrison county;

A bill to be entitled,

An act, to define the powers of the county police of Covington and Pike counties in relation to the three per cent. fund, and have made sundry amendments thereto by way of ryder;

In which I am instructed to desire the concurrence of the house of representatives.

The senate have passed the following bills:

A bill to be entitled,

An act, to authorize the taking of depositions in criminal cases;

A bill to be entitled,

An act, for the relief of M. A. Banks, of the county of Simpson;

Memorial and resolutions of the legislature of the state of Mississippi to the congress of the United States now in session;

In which I am instructed to desire the concurrence of the house of representatives.

Mr. Sessions, from the joint standing committee on enrolled bills, made the following report:

Mr. Speaker—The joint standing committee on enrolled bills, have this day examined:

An act, to aid the citizens of Vicksburg in building a hospital in place of one destroyed by fire;

An act, locating the seat of justice for the county of Hancock, and for other purposes;

An act, for the benefit of the sheriffs of Coahoma, Washington, and Issaquena counties;

An act, to preserve the records of the probate court of Lowndes county, Mississippi;

An act, to change the name of Frances C. Jennison, to that of Fanny C. Sharkey;

An act, to authorize the removal of the slaves of the estate of Thomas Hardeman to the state of Tennessee;

And have found the same correctly enrolled.

SESSIONS, Chairman.

Mr. Totten, from the judiciary committee, to whom was referred,

A bill entitled,

An act, to amend the laws of this state in relation to forcible and unlawful entry and detainer, reported the same back to the house with an amendment thereto;

Which was received and agreed to, and the bill ordered to be engrossed for a third reading on to-morrow.

Mr. Totten, from the same committee, to whom was referred,

A bill to be entitled,

An act, in relation to the probate judge of Hinds county, reported the same back to the house and recommended its passage;

Which was received and agreed to, the bill read the third time and passed.

Mr. Totten, from the same committee, to whom was referred

A bill to be entitled,

An act, amendatory of an act to authorize appeals from the decisions of justices' of the peace to the circuit courts, approved Feb. 22nd, 1842, reported the same back to the house with an amendment;

Which was received and agreed to, and the bill, as amended, ordered to be engrossed.

Mr. Totten, from the same committee, to whom was referred,

A bill to be entitled,

An act, to protect the rights of persons under 21 years of age, femes covert, and persons of unsound mind, until eighteen months after their several disabilities shall cease, reported the same back to the house, and recommended that it should not pass;

Which was received and agreed to.

Mr. Totten, from the same committee, to whom was referred,

A bill entitled,

An act, approved 25th January, 1841, to prevent unnecessary charges against debtors, and for other purposes, reported the same back to the house with sundry amendments thereto;

Which was received.

The question was then taken on agreeing to the report, and decided in the negative by yeas and nays as follows:

Those who voted in the affirmative, are,

Mr. Speaker, Adams, Allen, Archer, Beaty, Campbell, Ewing, Fowles, Harris, Huie, McCaughan, McInnis, Metcalf, Netterville, North, Pope, Randall, Sharkey, Simrall, Smiley, Totten, White and Woodbury—23.

Those who voted in the negative, are,

Messrs. Abbott, Beene, Berry of Tippah, Binford, Brooks, Buford, Bynum, Cannon, Carson, Connell, Cowan, Crain, Cushman, Cypert, Dilworth of Monroe, Dilworth of Tishemingo, Emanuel, Farrar, Fontaine, Foster, Frost, Gibbs, Gilleland, Greaves, Green of Tippah, Griffin, Guy, Harrison, Hinds, Holleman, Hughes, Hyneman, Kennedy, Leigh, Lemly, Loper, Malone, Martin, Maxcy, May, McDonald, McNabb, Millsaps, Moody, Moore, Nash, Pendleton, Pettus, Robertson, Rushing, Sessions, Simmons, Singleton, Smith of Washington, Smyth of Winston, Spann, Stuart, Thompson, Torrey, Wade, Warren, Weathersby and York—63.

On motion of Mr. Totten,

The vote taken on agreeing to the report of the judiciary committee, recommending the passage of a bill entitled, an act, to bring into one the several acts relating to stays on executions &c., was reconsidered, and the report allowed to be amended.

On motion of Mr. Cushman,

The report was laid on the table.

Mr. Totten, from the same committee, to whom was referred a senate bill entitled,

An act, to amend the laws of the state in relation to the courts of probate, reported the same back to the house with an amendment thereto, and recommended its passage;

Which was received and agreed to.

On motion of Mr. Fontaine,

The amendments were ordered to be engrossed, and the bill made the special order of the day for Thursday next at 12 o'clock

Mr. Allen, from the standing committee on education, to whom was referred the petition of the heads of families of township nine, range three east, praying the repeal of an act, to authorize the trustees of schools and school lands in the 16th sections, to rescind

sales, &c., reported that it would be inexpedient to grant the prayer of the petitioners;

Which was received and agreed to.

Mr. Emanuel, from the joint standing committee on public buildings, to whom was referred the special message of the governor, in relation to the construction of a suitable fence around the state house, reported

A bill to be entitled,

An act, to provide for the construction of a fence to enclose the state house, and for other purposes;

Which was read the first time, and the report received.

The question was then taken on agreeing to the report, and decided in the negative.

Mr. Spann, from the select committee, to whom was referred the petition of William Wing, reported

A bill to be entitled,

An act, for the relief of Wm. Wing;

Which was read the first time and the report received and agreed to.

Mr. Harris asked a suspension of the rules;

Which was granted, the bill read a second time, and referred to the committee on claims.

A message from the senate by Mr. Wilcox, their secretary.

Mr. Speaker—The senate have passed a bill from the house of representatives of the following title:

A bill to be entitled,

An act, to legalize the test of writs, executions and other legal process in the seventh judicial district, and for other purposes;

And have made an amendment thereto.

In which I am instructed to desire the concurrence of the house of representatives.

The senate have passed a bill of the following title:

A bill, to be entitled,

An act, to incorporate the Locopolis rail road company;

In which I am instructed to desire the concurrence of the house of representatives.

Mr. McInnis, from the select committee, to whom was referred the petition of H. Hodge, reported that it is inexpedient to grant the prayer of the petitioner;

Which was received and agreed to.

On motion of Mr. White,

The bill entitled,

An act, to annex a certain portion of the territory of Issaquena to the county of Yazoo, was called from the orders of the day.

Mr. White moved to refer the bill to the committee of the whole on Thursday next, at 12 o'clock;

Which was lost.

On motion of Mr. Adams,

The bill was referred to the committee on county boundaries.

Mr. Hughes offered the following resolution:

Resolved, That the resolution of this house, requiring all adjournments to be to the next legislative day at 10 o'clock, be, and the same is hereby rescinded; and that hereafter this house shall meet at 9 o'clock, a. m., on each and every day for the remainder of the session, and hold night sessions for the exclusive consideration of local bills and matters of a local character.

Mr. Warren offered the following amendment:

After the words, "local business," or any other business that the house may think proper.

Mr. Adams moved that the whole subject be laid upon the table.

Which was lost.

Mr. Crain offered the following resolution as a substitute:

Resolved, That the rule heretofore adopted by the house, fixing the time of meeting at 10 o'clock, be, and the same is rescinded; and that hereafter the house will meet at 9 o'clock, a. m., on each and every legislative day for the remainder of the session.

Mr. Warren called for the previous question;

Which was sustained.

The question was then taken on the original resolution and it decided in the affirmative by yeas and nays.

Those who voted in the affirmative, are,

Messrs. Abbott, Allen, Archer, Beene, Berry of Simpson, Berry of Tippah, Brooks, Cypert, Dilworth of Monroe, Dilworth of Tishemingo, Ewing, Foster, Frost, Gibbs, Green of Hinds, Green of Tippah, Griffin, Guy, Harrison, Hinds, Holleman, Hughes, Kennedy, Leigh, Maxcy, McDonald, McNabb, Millsaps, Moody, Moore, Netterville, Pope, Potts, Rushing, Simmons, Singleton

Smith of Washington, Smyth of Winston, Stuart, Thompson, Warren, Woodbury and York—43.

Those who voted in the negative, are

Mr. Speaker, Messrs. Adams, Alcorn, Baily, Beaty, Binford, Buford, Bynum, Cannon, Chambers, Connell, Cowan, Crain, Cushman, Emanuel, Farrar, Fontaine, Fowles, Gilleland, Greaves, Harris, Huie, Hyneman, Lemly, Loper, Martin, McCaughan, McInnis, Metcalf, Nash, Pendleton, Pettus, Randall, Robertson, Sharkey, Simrall, Spann, Torrey, Wade, Weathersby and White—41.

Mr. Smyth of Winston moved that the house take a recess until 3 o'clock;

Which was lost.

Mr. Griffin moved to reconsider the vote just taken on the adoption of the resolution.

Mr. Allen moved to lay the resolution on the table;

Which was lost.

The question was then taken on the motion to reconsider, and sustained.

On motion of Mr. Alcorn,

The vote taken on the previous question was reconsidered.

Mr. Cushman moved to lay the whole subject on the table;

Which was lost.

Mr. Crain's substitute was then considered.

Mr. Pendleton offered the following amendment:

Resolved; That this house meet on Monday, Wednesday and Friday nights, in each week, at 7 o'clock, for the purpose of taking up the general orders exclusively;

Which was adopted.

Mr. Fontaine moved to strike out all after "legislative day," in the substitute as amended;

Which was decided by the chair to be out of order.

Mr. Allen moved to lay the whole subject on the table.

The question was then taken on the adoption of the substitute as amended, and decided in the affirmative.

On motion of Mr. Pettus,

The house took a recess until 3 o'clock.

THREE O'CLOCK P. M.

The house resumed its session.

The senate bill entitled,

An act, to authorize and empower the governor to employ a private secretary,

Was read the first time.

Mr. McNabb asked for a suspension of the rules;

Which was refused.

The senate bill entitled,

An act, to cancel certain payments of taxes therein named, and to require the sheriff of Warren county to collect the same, and for other purposes,

Was read the first and second time.

Mr. Dilworth of Tishemingo moved to refer the same to the committee on claims;

Which was sustained.

The senate bill entitled,

An act, to incorporate the town of Raleigh in the county of Smith, and to repeal the acts heretofore passed incorporating said town;

Was read three several times, and passed.

The senate bill entitled,

An act, to incorporate evening star lodge No. 70,

Was read the first time.

The senate bill entitled,

An act, for the relief of W. S. Langly,

Was read the first time.

The senate bill entitled,

An act, to provide for the allowance of the claims of physicians for services rendered in certain cases, and for other purposes,

Was read the first time.

The senate bill entitled,

An act, to incorporate [illegible] lodge No. 91, in the town of [illegible] county,

Was read three several times, and passed.

The senate bill entitled,

An act, to incorporate [illegible] lodge No. 68, at [illegible] and [illegible]

masons in the town of Woodville,

Was read three several times and passed.

The senate bill entitled,

An act, to incorporate Grand Gulf lodge No. 41, and for other purposes,

Was read three several times and passed.

The senate bill entitled,

An act, for the relief of the sheriff of Lauderdale county,

Was read the first and second time.

Mr. Pettus offered the following amendment:

Provided, The said sheriff, with his securities, shall appear before the probate judge of said county, and file their written consent under hand and seal to such extension of time, on or before the 1st of March next, a copy of which shall be forwarded to the auditor of public accounts;

Which was adopted.

Several amendments being offered, inserting various counties; were,

On motion of Mr. Binford,

Rejected.

The rule being suspended, the bill was read the third time, and passed as amended.

The senate memorial and resolutions of the state of Mississippi to the congress of the United States,

Was read three several times and passed.

The house concurred in the resolution of the senate, appointing a committee of conference, on

The bill entitled,

An act, to amend an act entitled an act to incorporate the Chu- [illegible] turnpike company.

The chair appointed on the part of the house, Messrs. [illegible], [illegible], Deberry of [illegible], [illegible] and [illegible].

The senate bill entitled,

An act, to authorize the taking of [illegible] on a [illegible],

Was read the first time.

The senate bill entitled,

An act, for the relief of [illegible] [illegible], of the county of [illegible],

Was read the first and second time, and

On motion of Mr. Fontaine,

Referred to the committee on claims,

The senate ryder made to the house bill entitled,

An act, to define the powers of the county police of the counties of Pike and Covington in relation to the three per cent. fund,

Was read three several times and adopted.

On motion of Mr. Cushman,

The house concurred in the amendment made by the senate to the house bill entitled,

An act, to legalize the test of writs, executions and other legal process in 7th judicial district, and for other purposes,

The senate bill entitled,

An act, to incorporate the Locopolis rail road company,

Was read the first and second time, and,

On motion of Mr. Bailey,

Made the special order of the day for Saturday next at eleven o'clock.

On motion of Mr. Harris,

The motion previously made by Mr. Sharkey to reconsider the vote taken on the passage of the senate bill entitled,

An act, to relinquish the claims of the state by escheat to the estate of William Alfred Cottingham, deceased, in favor of certain persons therein named,

Was called up.

The question was then taken on the motion to reconsider, and decided in the negative.

On motion of Mr. Allen,

The bill entitled,

An act, to authorize the board of police of Claiborne county to erect toll bridges,

Was called from the orders of the day, read the second time, and made the special order of the day for Saturday next.

On motion of Mr. Cypert,

The house adjourned.

WEDNESDAY MORNING, FEBRUARY 11TH, 1846.

The house met pursuant to adjournment;

And its deliberations were opened with prayer by the Rev. Dr. Leavel of Jackson.

Mr. Simmons, from the joint standing committee on enrolled bills, reported that they have examined,

An act to authorize the board of police of Marshall county to improve the Holly Springs and Pontotoc road;

An act to authorize the board of police of Issaquena county to levy a special tax for certain purposes therein named,

An act to legalize the list of all writs, executions and legal process in the 7th judicial district of this state, and for other purposes;

An act for the relief of George Holley of Harrison county;

An act to define the powers of the county police of Covington and Pike counties in relation to the three per cent. fund;

An act to incorporate Asylum lodge No. 63, of free and accepted masons in the town of Woodville;

And have found the same correctly enrolled.

On motion of Mr. Farrar,

The morning business was dispensed with, in order to enable him to take up the bill, entitled.

An act to incorporate the Southern rail road company;

On his further motion,

The rule was suspended, the bill read the second time, and made the special order of the day for Monday next at 12 o'clock.

Mr. Harrison, by leave, introduced,

A bill, to be entitled,

An act to incorporate the Ponola and Delta rail road company;

Which was read the first and second time; 250 copies ordered to be printed, and the bill made the special order of the day for Tuesday next at 12 o'clock.

Mr. Huie by leave, introduced,

A bill, to be entitled,

An act to divide the police district No. 2, in Choctaw county, and for other purposes;

Which was read the first time, and Mr. Huie permitted to withdraw the bill.

Mr. Smiley, by leave, introduced,

A bill, to be entitled,

An act to incorporate the Holmesville lodge No. 69, of free and accepted masons in the county of Pike;

Which was read three several times and passed.

Mr. Beaty, by leave, introduced,

A bill, to be entitled,

an act to incorporate the town of Lexington in Holmes county;

Which was read the first time.

Mr. Beaty asked for a suspension of the rules;

Which was refused.

Mr. McDonald, by leave, introduced,

A bill, to be entitled,

An act to incorporate the town of Paulding in the county of Jasper;

Which was read three several times, and passed with its title as stated.

On motion of Mr. Moody,

The bill, entitled,

An act requiring the liabilities of the president and directors of the rail road company in the counties of Newton and Lauderdale, with their securities, to be put in suit;

Was called from the orders of the day.

Mr. Randall offered an amendment by striking out all after the enacting clause, and insert additional sections in lieu thereof, accompanied with a remonstrance from John J. McRae;

On motion of Mr. Moody,

The amendment and remonstrance was rejected.

The question was then taken on the passage of the bill, and decided in the affirmative.

Mr. Sessions, from the joint standing committee on enrolled bills, made the following report:

Mr. Speaker—The joint standing committee on enrolled bills, have this day presented to his excellency the governor, for his approval and signature, bills of the following titles, originating in the house of representatives, of the following titles, viz:

An act to establish the county seat of Washington county;

An act to amend an act, approved on the 23d day of February,

1844, altering and amending the act incorporating the town of Houston, in the county of Chickasaw;

An act to prohibit the police court of Sunflower county from laying a special tax, except in certain cases herein provided;

An act to authorize and empower the circuit court of Hinds county to transcribe certain books therein mentioned, and for other purposes;

An act to change the time of holding the probate court of the county of Newton;

An act to incorporate the town of Chulahoma in the county of Marshall;

An act to incorporate the trustees of Zion seminary in the county of Covington;

An act to incorporate the Pontotoc male academy.

The following message was received from his excellency the governor by Mr. Nicholson his private secretary:

Mr. Speaker—His excellency the governor has this day approved and signed bills which originated in the house of representatives of the following titles, to wit:

An act to incorporate the town of Chulahoma in the county of Marshall;

An act to incorporate the trustees of Zion seminary in the county of Covington;

An act to change the time of holding the probate court of the county of Newton;

An act to authorize and empower the clerk of the circuit court of Hinds county to transcribe certain books therein mentioned, and for other purposes;

An act to prohibit the police court of Sunflower county from laying a special tax, except in certain cases therein provided;

An act to establish the county seat of Washington county;

An act to incorporate the Pontotoc male academy;

An act to amend an act, approved on the 23d day of February, 1844, altering and amending the act incorporating the town of Houston, in the county of Chickasaw.

The following message was received from the senate, by Mr. Wilcox their secretary:

Mr. Speaker—The president of the senate has signed acts originating in the house of representatives, as follows:

An act to legalize the test of all writs, executions and other legal process in the seventh judicial district of this state, and for other purposes;

An an act authorizing the board of police of Issaquena county to levy a special tax for certain purposes therein mentioned;

An act to define the powers of the county police of Covington and Pike counties in relation to the three per cent. fund;

An act to authorize the board of police of Marshall county to improve the Holly Springs and Pontotoc road;

An act for the relief of George Holley of Harrison county;

An act to legalize George W. Hicks;

An act to incorporate the Phœnix engine company No. 2, of Vicksburg;

An act to incorporate the Fulton fire engine company No. 3, of Vicksburg;

An act to authorize the board of police of Tishemingo county to locate a poor house;

An act for the relief of William Brown;

An act to authorize foreign guardians to remove the property of their wards out of the state;

An act for the relief of Tillman Mitchell, late sheriff of Kemper county;

An act to repeal the second section of an act entitled an act to regulate the interest on the school fund, and for other purposes.

The senate have passed the following bills from the house of representatives:

A bill, to be entitled,

An act, to incorporate the town of Paulding in Jasper county;

A bill to be entitled,

An act to incorporate the Holmesville lodge No. 69, of free and accepted masons, in the oounty of Pike.

The senate have passed the following bill:

A bill to be entitled,

An act to authorize the sheriff of Tippah county to sell property in certain cases, in the town of Salem;

In which I am instructed to desire the concurrence of the house of representatives.

The senate have adopted the following joint resolution:

Resolved, That with the concurrence of the house of represen-

tatives, that an enrolled bill entitled, an act to establish an inferior court of chancery in the southern part of this state, be corrected by striking out the word "not," in the 5th line of the 20th section, the same having been inserted by mistake.

The senate have concurred in the amendment made by the house of representatives, to a bill from the senate, to be entitled,

An act for the relief of the sheriff of Lauderdale county.

Also, to the amendment made by the house of representatives, to a bill from the senate, to be entitled,

An act to regulate and define the relation of master and apprentice.

The president of the senate has signed acts originating in the house, of the following titles:

An act to aid the citizens of Vicksburg in building a hospital in place of the one destroyed by fire;

An act locating the seat of justice for the county of Hancock and for other purposes.

Also, an act originating in the senate, of the following title:

An act to incorporate Asylum lodge No. 63, of free and accepted masons, in the town of Woodville;

Which I am instructed to present to the speaker of the house for his signature.

The senate have passed a bill from the house of representatives, as follows:

A bill to be entitled,

An act to incorporate Washington lodge No. 2, of the independent order of Odd Fellows, in the city of Natchez;

A bill to be entitled,

An act to authorize the sale of lands belonging to the sinking fund, and for other purposes.

The senate have given leave to the introduction of the following bills:

A bill to be entitled,

An act for the benefit of the children of William Martin, of Claiborne county;

A bill to be entitled,

An act to incorporate the Vanatta lodge No. 68, of free and accepted masons, of the town of Raleigh, in Smith county;

And have passed a bill, to be entitled,

An act to incorporate and establish the town of Yazoo city, and for revising and repealing all laws and parts of laws heretofore enacted on that subject;

In which I am instructed to desire the concurrence of the house of representatives.

On motion of Mr. Pendleton,

The bill, entitled,

An act to authorize John B. Nevitt, and others, commissioners of the Natchez cathedral, to raise $20,000 by lottery;

Was called from the orders of the day, and read the third time.

Mr. Fowles offered the following amendment by way of ryder:

Provided, That all debts now due for work done, or materials furnished for the building of the catholic church, in the city of Natchez, shall be paid out of the first monies received from the benefits of the lottery, contemplated by the said bill, establishing a lottery in the said city of Natchez;

Which was read three several times.

The question was then taken on the passage of the bill as amended, and decided in the negative by yeas and nays as follows:

Those who voted in the affirmative, are,

Messrs. Abbott, Allen, Campbell, Chambers, Chewning, Connell, Crain, Dilworth of Monroe, Emanuel, Ewing, Greaves, Green of Tippah, Griffin, Harris, Huie, Kennedy, McNabb, Moore, North, Pendleton, Sharkey, Totten, White and Woodbury, —24.

Those who voted in the negative, are,

Mr. Speaker, Messrs. Alcorn, Archer, Beaty, Beene, Berry of Tippah, Binford, Brooks, Baily, Buford, Bynum, Cushman, Cannon, Cowan, Dilworth of Tishemingo, Farrar, Foster, Fowles, Frost, Gibbs, Gilleland, Green of Hinds, Guy, Harrison, Hinds, Holleman, Hyneman, Leigh, Lemly, Leonard, Malone, Martin, McCaughan, McInnis, Metcalf, Millsaps, Moody, Pettus, Pope, Potts, Randall, Robertson, Rushing, Simmons, Simrall, Singleton, Smith of Washington, Smyth of Winston, Spann, Stewart, Thompson, Torrey, Wade, Warren, Weathersby and York—57.

On motion of Mr. Alcorn,

The house took a recess until 3 o'clock.

3 O'CLOCK P. M.

The house rusumed its sesssion.

The senate bill, entitled,

An act to authorize the sheriff of Tippah county, to sell property in certain cases, in the town of Salem;

Was read the first time.

On motion of Mr. Harris,

The house concurred in the resolution of the senate, to strike out the word "not," in the 5th line of the 20th section in.

A bill, entitled,

An act to establish an inferior court of chancery in the southern part of this state.

The senate bill, entitled,

An act to incorporate the city of Yazoo, &c.;

Was read the first time.

The unfinished business entitled,

An act to repeal an act to prohibit the introduction of slaves into this state as merchandize or for sale;

Was taken up.

Mr. Metcalf moved to strike out the second section.

Mr. Warren moved to recommit the bill to committee of the whole, on Wednesday next;

Which motion having precedence, was taken and decided in the negative.

The question was then taken on Mr. Metcalf's motion to strike out, and decided in the affirmative.

Mr. Green of Tippah, moved to strike out all the amendments as reported by the judiciary committee.

Mr. White offered the following amendment to the amendment:

Be it further enacted, That any person or persons bringing slaves into this state, for sale or merchandize, shall make affidavit that such slave or slaves had not committed any big crime or misdemeanor in the state from which such slave or slaves are brought, to the best of the knowledge, information or belief of such person or persons.

After some discussion, the amendment of Mr. White was withdrawn.

The question was then taken on the motion of Mr. Green of Tippah, to strike out, and decided in the affirmative by yeas and nays, as follows:

Those who voted in the affirmative, are,

Mr. Speaker, Messrs. Abbott, Alcorn, Allen, Archer, Bailey, Beaty, Beene, Berry of Tippah, Binford, Brooks, Bynum, Cannon, Connell, Chambers, Crain, Cushman, Cypert, Dilworth of Monroe, Ewing, Farrar, Fontaine, Foster, Fowles, Frost, Gilleland, Greaves, Green of Tippah, Griffin, Hughs, Guy, Harrison, Holleman, Huie, Kennedy, Leigh, Lemly, Martin, May, McCaughan, McDonald, McInnis, McNabb, Metcalf, Millsaps, Moore, Pendleton, Pettus, Pope, Randall, Robertson, Rushing, Simmons, Singleton, Spann, Torry, Warren, White, Woodbury and York—60.

Those who voted in the negative, are,

Messrs. Berry of Simpson, Buford, Campbell, Cannon, Dilworth of Tishemingo, Emanuel, Gibbs, Green of Hinds, Harris, Hinds, Hyneman, Leonard, Malone, McNabb, Moody, Netterville, North, Sessions, Sharkey, Simrall, Smiley, Smith of Washington, Smyth of Winston, Stuart, Thompson, Totten, Wade and Weathersby, —28.

Mr. Griffin called for the previous question;

Which was sustained.

The bill was considered as engrossed, and the question taken on the passage of the bill, and decided in the affirmative by yeas and nays, as follows:

Those who voted in the affirmative, are,

Mr. Speaker, Messrs. Abbott, Alcorn, Allen, Archer, Bailey, Beaty, Beene, Berry of Simpson, Berry of Tippah, Binford, Cannon, Chambers, Connell, Crain, Cushman, Cypert, Dilworth of Monroe, Dilworth of Tishemingo, Emanuel, Ewing, Farrar, Fowles, Frost, Gilleland, Greaves, Green of Hinds, Green of Tippah, Griffin, Harrison, Hughs, Huie, Kennedy Lemly, Martin, May, McDonald, McInnis, McNabb, Millsaps, Moore, Netterville, Pendleton, Pope, Potts, Randall, Robertson, Rushing, Simmons, Simrall, Singleton, Smiley, Smyth of Winston, Spann, Torrey, Totten, Weathersby, White and Woodbury—60.

Those who voted in the negative, are,

Messrs. Brooks, Buford, Bynum, Campbell, Cowan, Fontaine, Foster, Gibbs, Guy, Harris, Hinds, Holleman, Hyneman, Leigh, Leonard, Malone, McAfee, McCaughan, Moody, North, Pettus, Sessions, Sharkey, Smith of Washington, Stuart, Thompson, Wade, Warren, and York—29.

On motion of Mr. Cushman,

The title was amended by striking out "and for other purposes."

Mr. Warren gave notice that he would make a motion to reconsider the vote taken on yesterday morning, agreeing to the report of the committee on county boundaries.

Mr. Totten gave notice that he would make a motion to reconsider the vote taken yesterday, on refusing to agree to the report of the committee on public buildings.

The special order, entitled,

An act to reduce the per diem allowance of the members of the board of police, probate judges and probate clerks of certain counties therein mentioned;

Was read the third time.

The question was then taken on the passage of the bill, and decided in the affirmative by yeas and nays as follows:

Those who voted in the affirmative, are,

Messrs. Allen, Beaty, Beene, Berry of Simpson, Berry of Tippah, Brooks, Bynum, Chambers, Chewning, Cushman, Cypert, Dilworth of Monroe, Dilworth of Tishemingo, Ewing Farrar, Foster, Fowles, Gilleland, Green of Hinds, Green of Tippah, Griffin, Harris, Harrison, Hinds, Holleman, Hughs, Lemly, Leonard, May, McAfee, McCaughan, McDonald, McInnis, Metcalf, Millsaps, Moody, Moore, Nash, North, Pettus, Pope, Potts, Randall, Robertson, Rushing, Sharkey, Singleton, Smith of Washington, Smyth of Winston, Spann, Thompson, Torry, Totten, Wade, Weathersby and Woodbury—56.

Those who voted in the negative, are,

Mr. Speaker, Messrs. Abbott, Alcorn, Baily, Binford, Buford, Campbell, Cannon, Connell, Cowan, Emanuel, Fontaine, Frost, Gibbs, Greaves, Guy, Hyneman, Leigh, Malone, Martin, McNabb, Netterville, Pendleton, Sessions Smiley, Warren, White and York—28.

The house resolved itself into committee of the whole, on its special order, entitled,

An act to establish volunteer companies for the more efficient military organization of this state;

Mr. Wade in the chair.

After some time spent therein, the committee rose, reported progress, and asked leave to sit again at half past 10 o'clock tomorrow;

Which was received and agreed to.

On motion of Mr. Allen,

The house took a recess until 7 o'clock, p. m.

SEVEN O'CLOCK, P. M.

The house resumed its session.

A senate bill, entitled,

An act to authorize the transcribing into suitable books, the records of Smith county;

Was read the second and third time, and passed with its title as stated.

The senate bill, entitled,

An act for the relief of David McCaleb, of Claiborne county.

Was read the second and third time, and passed with its title as stated.

The senate bill, entitled,

An act for an additional justice of the peace in the district of Holmes;

Was read the third time and passed.

The senate bill, entitled,

An act to amend an act entitled an act to amend an act entitled an act to make valid and confirm the last will and testament of William Wall, deceased;

Was read the third time, and passed with its title as stated.

The house bill entitled,

An act to amend the law of administrations;

Was read the second time; and,

On motion of Mr. Gilleland,

Was laid on the table.

The house bill, entitled

An act to authorize the commissioner of the sinking fund to

make compromises with the debtors thereof;

Was read the second and third time, and passed with its title as stated.

The house bill, entitled,

An act for the relief of A. J. Blackburn, M. D.;

Was read the second time.

Mr. Stuart asked for a suspension of the rule,

Which was granted, and the bill read the third time, and passed with its title as stated.

The house bill, entitled,

An act to incorporate the Enterprize bridge company, in the county of Clark;

Was read the second time; and,

On motion of Mr. Moody,

Referred to a select committee of three, consisting of Messrs. Moody, Thompson and Harris.

The house bill entitled,

An act to incorporate the town of Enterprize, in Clark county;

Was read the second and third time, and passed with its title as stated.

The house bill, entitled,

An act to secure to the owners of slaves, executed by sentence of law, compensation for the same;

Was read the second time.

Mr. Campbell moved that the bill be indefinitely postponed.

Mr. Sessions moved to commit the bill to a select committee of five.

Mr. Berry of Tippah, moved that the bill be referred to the committee on claims;

Which was lost.

Mr. Dilworth of Tishemingo, moved to refer it to the committee on propositions and grievances;

Which was lost.

The question was then taken on Mr. Sessions's motion to refer to a select committee of five, and carried.

The chair appointed Messrs. Sessions, Greaves, Abbott, Berry of Tippah, and Huie.

The house bill, entitled,

An act to punish slanderers and libellers;

Was read the second time.

Mr. Bynum moved to refer the bill to the judiciary committee;

Which was lost.

On motion of Mr. Cushman,

The bill was indefinitely postponed.

The house bill, entitled,

An act to regulate judicial proceedings in cases of assault and battery;

Was read the second time.

Mr. simmons moved to lay the bill on the table;

Which was lost.

Mr. Moody moved to refer the bill to a select committee;

Which was lost.

On motion of Mr. Cushman,

The bill was indefinitely postponed.

The house bill, to be entitled,

An act to change the time of holding the probate court of Franklin county;

Was read the first and second time and passed.

The house bill, entitled,

An act supplemental to an act to restrict the sheriff of Itawamba county from doing constable's business;

Was read the third time; and,

On motion of Mr. Dilworth of Tishemingo,

Referred to a select committee of three, consisting of Messrs. Dilworth of Tishemingo, Hinds and Green of Tippah.

The house bill, entitled,

An act to establish the seat of justice in Issaquena county;

Was read the third time, and passed.

The house bill, entitled,

An act to authorize the governor of the state of Mississippi, to appoint commissioners in other states;

Was read the third time and passed.

The house bill, entitled,

An act to incorporate the town of Greensborough, in Choctaw county;

Was read the third time and passed.

The house bill, entitled,

An act to change the name of Susana Wetley House, &c.;

Was read the third time and passed.

The house bill, entitled,

An act to authorize the board of police of Green county to levy a special tax, &c.;

Was read the third time, and passed,

The house bill, entitled,

An act to declare Mike's or Fishing river, in the county of Hancock, a navigable stream;

Was read the third time, and passed.

The house bill to repeal the 4th section of an act to incorporate the town of Grenada, &c.;

Was read the third time and passed.

The senate bill entitled,

An act providing for the purchase of the book called "North on Probate Courts;"

Was read the third time.

The question was then taken on the passage of the bill as amended, and decided in the affirmative by yeas and nays as follows:

Those who voted in the affirmative, are,

Mr. Speaker, Messrs. Alcorn, Allen, Archer, Beaty, Binford, Buford, Campbell, Carson, Chewning, Crain, Cushman, Emanuel, Ewing Farrar, Fontaine, Foster, Fowles, Gibbs, Gilleland, Greaves, Green of Hinds, Harris, Harrison, Huie, Hyneman, Lemly, Malone, May, McAfee, McCaughan, McInnis, Moody, Netterville, Pendleton, Pettus, Pope, Potts, Sessions, Simrall, Singleton, Smiley, Smith of Washington, Thompson, Torrey, Totten, White and Woodbury—48.

Those who voted in the negative, are,

Messrs. Abbott, Beene, Berry of Tippah, Brooks, Bynum, Cannon, Chambers, Cowan, Cypert, Dilworth of Monroe, Dilworth of Tishemingo, Green of Tippah, Griffin, Guy, Hinds, Holleman, Leigh, McDonald, McNabb, Metcalf, Millsaps, Moore, Robertson, Rushing, Simmons, Smyth of Winston, Stuart, Weathersby and York—29.

The house bill, entitled,

An act for the relief of widows and orphans, and for other purposes;

Was read the third time, and passed with its title as stated.

The house bill, entitled,

An act to authorize the courts to tax prosecutors with costs in certain cases;

Was read the second and third time, and passed with its titled as stated.

Mr. Harris moved that the house adjourn;

Which was lost.

The house bill, entitled,

An act for the relief of William Rawles, of Tunica county;

Was read the second time.

Mr. Alcorn offered the following amendments:

Be it further enacted, That Wm. W. Lasseter be released from the penalty of a fine imposed upon him, for retailing spirituous liquors in Coahoma county at the last October term;

Which was adopted.

Mr. Smith of Washington, offered the following amendment:

And that the said Rawles pay all costs;

Which was adopted, and the bill ordered to be engrossed.

Mr. Simrall moved that the house adjourn;

Which was lost.

The house bill, entitled,

An act to authorize the probate court of Yazoo county, to order a sale or compromise of claims due the estate of decedents, &c.;

Was read the second time; and,

On motion of Mr. Simrall,

Laid on the table.

The house bill, entitled,

An act to amend the charter of incorporation of the town of Port Gibson;

Was read the third time, and passed with its title as stated.

On motion of Mr. Emanuel,

The house adjourned.

THURSDAY, February 12, 1846.

The house met pursuant to adjournment;

Mr. Green of Hinds presented the petition of the Jackson fire company, No. 1;

Which was referred to the committee on county boundaries.

Mr. McInnis presented the petition of Norman McLeod;

Which was referred to the committee on the judiciary.

Mr. Green of Hinds presented the petition of Thos. Wells and others;

Which was referred to the same committee.

The speaker presented the petition of J. M. Henrigens, of the city of New York, a holder of a portion of the Planters' bank bonds, relative to an appropriation for the payment of the same;

Which was referred to the committee on Planters' bank bonds.

Mr. Ewing presented the petition of J. J. Henry;

Which was laid on the table.

Mr. Berry of Simpson presented the petition of sundry citizens of Simpson county;

Which was referred to a select committee of three, consisting of Messrs. Berry of Simpson, Gilleland and Archer.

Mr. Netterville presented the petition of sundry citizens of the county of Wilkinson;

Which was referred to the committee on county boundaries.

Mr. Simrall, from the committee on incorporations, to whom was referred the petition (accompanied with a bill) of George W. Harper and others, reported the bill back to the house without amendment, and recommended its passage;

Which was received and agreed to, the bill read the third time and passed.

Mr. Sessions from the joint standing committee on enrolled bills, made the following report:

Mr. Speaker—The joint standing committee on enrolled bills have this day examined,

An act, to authorize the sale of lands belonging to the sinking fund, and for other purposes;

An act, to incorporate the town of Paulding, in Jasper county;

An act, to incorporate the Holmesville lodge, No. 69, of free and accepted masons, in the county of Pike;

An act, to incorporate Washington lodge No. 2, of the independent order of odd fellows, in the city of Natchez;

Memorial and resolution of the state of Mississippi to the congress of the United States now in session;

An act, to incorporate the Grand Gulf lodge, No 41, of free and accepted masons;

An act, to incorporate Marion lodge, No. 62, in the town of Marion, Lauderdale county;

An act, for the relief of the sheriff of Lauderdale county;

An act, to relinquish the claim of the state by escheat to the estate of Wm. Alfred Cottingham, deceased, in favor of certain persons therein named;

An act, to establish an inferior court of chancery in the southern part of this state;

And have found the same correctly enrolled.

And have presented to the governor,

A bill to be entitled,

An act, to establish an inferior court of chancery in the southern part of this state, with the amendment made by the senate and house of representatives, for his signature.

Mr. Bailey, from the select committee to whom was referred the petition of sundry citizens of the counties of Tallahatchie, and Yalobusha, reported,

A bill, to be entitled,

An act, to incorporate the Tillatoba navigation company, and for other purposes;

Which was read the first time, and the report received and agreed to.

On motion of Mr. Bailey,

The rule was was suspended, the bill read the second time and ordered to be engrossed for a third reading on to-morrow.

Mr. Allen, from the select committee to whom was referred the petition of C. A. Wilson and other citizens of Claiborne county, praying the charter of a bridge across the bayou Pierre of said county, reported, that it would be inexpedient to grant the prayer of the petitioners;

Which was received and agreed to.

Mr. Brooks, by leave, introduced

A bill to be entitled,

An act, to provide for the selection of grand juries, and for other purposes;

Which was read the first and second time, and referred to the judiciary committee.

Mr. Singleton, by leave, introduced

A bill, to be entitled,

An act, to amend the 21st section of an act entitled, an act to amend and reduce into one, the several acts in relation to the revenue laws of this state, and for other purposes;

Which was read the first and second time, and ordered to be engrossed for a third reading on to-morrow.

Mr. Allen, by leave, introduced

A bill, to be entitled,

An act, for the relief of Franklin Crow;

Which was read the first time.

Mr, Hyneman, by leave, introduced

A bill to be entitled,

An act, for the better regulation of the election of sheriffs, and for other purposes;

Which was read the first time; and,

On motion of Mr. McNabb,

The bill was rejected.

Mr. Cushman, from the select committee to whom was referred the written communication of the auditor of public accounts in relation to the bill passed at the present session of the legislature for the relief of William Morris, reported, a preamble and resolutions of instructions to the auditor;

Which was read the first time, and the report received and agreed to.

On motion of Mr. Cushman,

The rule was suspended, the resolution read the second time, and ordered to be engrossed for a third reading to-morrow.

On motion of Mr. Moore,

The resolution he offered in relation to the order of business was called from the table.

Mr. Simrall offered the following amendment:

Amend, by striking out the words, "as they stand arranged in this resolution," and insert the words, "and said bills shall have the same precedence over each other as they now have on the calender.

Mr. Smiley moved the rejection of the whole subject.

Mr. Harris moved to lay the whole subject on the table,

Which motion, having precedence, was taken and decided in the affirmative.

Mr. Crain, from the select committee to whom was referred the petition of sundry citizens of Leake county, reported,

A bill to be entitled,

An act, to grant to Isham Daniel a charter for a ferry across Pearl river, in Leake county;

Which was read the first time, and the report seceived and agreed to.

On motion of Mr. Crain,

The rule was suspended, the bill read the second time, and ordered to be engrossed for a third reading on to-morrow.

The committee of the whole resumed its session on the military bill,

Mr. Wade in the chair.

After some time spent therein, the committee rose, reported the bill back to the house with an amendment, and recommended that it be referred to a joint select committee, to consist of five on the part of the house and — on the part of the senate;

Which was received.

Mr. Moore offered the following amendment to the report:

And that said committee be instructed to report a bill to suspend all active operations under the present military system of the state, except for the appointment and control of patrols; which,

On motion of Mr. Connell,

Was rejected.

The question was then taken on agreeing to the report, and decided in the affirmative.

The chair appointed on the part of the house, Messrs. Sharkey, Harris, Smiley, Abbott and Metcalf.

The special order entitled,

An act, to amend the several acts incorporating the town of Salem, in the county of Tippah,

Was read the third time, and passed with its title as stated.

The house resolved itself into committee of the whole on its special order entitled,

An act, for the relief of H. F. Bennet,

Mr. Allen in the chair.

After some time spent therein, the committee rose, reported the

bill back to the house without amendment, and recommended its passage;

Which was received and agreed to, and the bill read the third time.

Mr. Smyth of Winston moved its reference to the committee on claims;

Which was lost.

The question was then taken on the passage of the bill, and decided in the affirmative.

The chair announced the next special order for committee of the whole, viz: the apportionment bill.

Mr. Lemly moved that the committee of the whole be discharged from the consideration of the same for one week.

On motion of Mr. Lemley,

A call of the house was had.

Mr. McAfee moved that the further call of the house be dispensed with;

Which was lost.

On motion of Mr. Totten,

The absentees were sent for.

Mr. Berry of Simpson moved that the further call be suspended;

Which was lost.

The sergeant-at-arms brought in Mr. Wade, who was discharged without fees.

On motion of Mr. Cypert,

The further call was suspended.

The question was then taken on the motion of Mr. Lemley, and decided in the negative by yeas and nays as follows:

Those who voted in the affirmative, are,

Messrs. Allen, Beaty, Berry of Simpson, Brooks, Bynum, Carson, Chambers, Chewning, Ewing, Foster, Fowles, Frost, Green of Hinds, Harris, Holleman, Lemley, Leonard, Loper, May, McCaughan, McDonald, McInnis, McNabb, Metcalf, Moody, Nash, Netterville, North, Pendleton, Pettus, Randall, Rossman, Sessions, Sharkey, Simrall, Singleton, Smiley, Smith of Washington, Spann, Stuart, Thompson, Torrey, Weathersby, White and Woodbury—45.

Those who voted in the negative are,

Messrs. Speaker, Abbott, Archer, Bailey, Beene, Berry of Tip-

pah, Binford, Buford, Campbell, Cannon, Connell, Crain, Cushman, Cypert, Dilworth of Monroe, Dilworth of Tishemingo, Emanuel, Farrar, Fontaine, Gibbs, Gilleland, Graves, Green of Tippah, Griffin, Guy, Harrison, Hinds, Hughs, Huie, Hyneman, Kennedy, Leigh, Malone, Martin, Maxcy, McAfee, Millsaps, Moore, Pope, Potts, Robertson, Rushing, Simmons, Smyth of Winston, Totten, Wade, Warren and York—49.

On motion of Mr. Cushman,

The house adjourned until 3 o'clock, p. m.

THREE O'CLOCK, P. M.

The house resumed its session.

The following message was received from the Senate, by Mr. Wilcox, their Secretary:

Mr. Speaker—The senate have passed the following bills:

A bill to be entitled,

An act, to change the time of holding the circuit courts in the third judicial district in this state, and for other purposes;

A bill to be entitled,

An act, granting certain powers and privileges to the officers and trustees of organized religious, charitable and benevolent societies in this state;

A bill, to be entitled,

An act, to incorporate the Vanatta lodge No. 68, of free and accepted masons of the town of Raleigh, in Smith county;

A bill, to be entitled,

An act, for the benefit of the children of William Martin, of Claiborne county;

A bill, to be entitled,

An act, to repeal the law of leins upon judgments, in justices courts, and for other purposes, and have made an amendment thereto by way of ryder;

In which I am instructed to desire the concurrence of the house of representatives.

The senate have passed the following bills from the house of representatives:

A bill, to be entitled,

An act, in relation to the probate judge of Hinds county;

A bill, to be entitled,

An act, prescribing the mode of collecting costs in certain cases, and for other purposes.

The senate have given leave to the introduction of bills of the following titles:

A bill, to be entitled,

An act, for the relief of Oakland college;

A bill to be entitled,

An act, to repeal the first section of an act entitled, an act for the more perfect organization of the superior court of chancery.

A bill, to be entitled,

An act, authorizing John B. Nevitt, William St. John Elliott and P. M. McGraw, commissioners to raise twenty thousand dollars by lottery;

A bill, to be entitled,

An act, to establish volunteer companies in this state;

A bill to be entitled,

An act, for the relief of John Huffman, of the county of Carroll;

A bill to be entitled,

An act, supplementary to an act entitled, an act to establish an inferior court of chancery in the southern part of this state.

The senate have concurred in the amendment made by the house of representatives to

A bill from the senate to be entitled,

An act, providing for the purchase of the book called "North on probate courts."

On motion of Mr. Warren,

The house resolved itself into committee of the whole on its special order entitled,

An act, to fix the apportionment of representatives and senators in this state,

Mr. Cannon in the chair.

After some time spent therein, the committee rose, reported progress, and asked leave to sit again to-morrow at 11 o'clock;

Which was received and agreed to.

On motion of Mr. Kennedy,

The house adjourned.

FRIDAY MORNING, February 13, 1846.

The house met pursuant to adjournment.

Mr. Singleton from the committee on propositions and grievances, to whom was referred the petition of Joseph G. Mitchell, and others, praying for the passage of a law authorizing said J. G. Mitchell, as guardian, &c., to settle with James Elder, as administrator, &c., reported that it would be inexpendient to grant the prayer of the petitioner;

Which was received and agreed to.

Mr. Singleton, from the same committee, to whom was referred the petition of Thos. J. Hill, reported,

A bill, to be entitled,

An act for the benefit of Thos. J. Hill, a minor;

Which was read the first time, and the report received and agreed to.

On motion of Mr. Singleton,

The rule was suspended, the bill read a second and third time and passed.

Mr. Singleton, from the same committee, to whom was referred the peiition of R. R. Abney, praying for a compensation by the legislature, for certain losses, which he has sustained by act of the legislature, declaring a certain stream navigable, reported that it is inexpedient to grant the prayer of the petitioner;

Which was received and agreed to.

Mr. Singleton, from the same committee, to whom was referred the petition of John Gilmore and others, praying the legislature to pass an act conferring upon Lewis Shops all the rights and privileges of a free man of color, reported that it is inexpedient to grant the prayer of the petitioners;

Which was received.

Mr. Brooks moved to amend by striking out "inexpedient," and insert expedient;

Which was lost.

The question was then taken on agreeing to the report, and decided in the affirmative.

Mr. Kennedy, by leave, introduced,

A bill to be entitled,

An act to remove the civil disabilities of James Z. George, minor, of Carroll county;

Which was read three several times, and passed with its title as stated.

Mr. Totten, from the judiciary committee, to whom was referred,

A bill, to be entitled,

An act to repeal the 8th section of an act entitled an act for the suppression of tippling houses, and to discourage and prevent the odious vice of drunkenness, approved February 9, 1839, reported the bill back to the house without amendment, and recommended its passage;

Which was received and agreed to, and the bill ordered to be engrossed for a third reading on to-morrow.

Mr. Cannon, from the joint select committee, acting as a committee of conference, to whom was referred the existing differences between the two houses, in relation to a house amendment to a senate bill, to amend an act entitled an act to incorporate the Chu-qua-tontia turnpike company, recommended that the house recede from its amendment, and that the bill do pass;

Which was received and agreed to.

Mr. Connell, from the joint standing committee on claims, to whom was referred, a bill for the relief of C. A. Wade, reported the same back to the house, and deemed it inexpedient to pass the bill;

Which was received and agreed to.

Mr. Connell, from the same committee, to whom was refeered,

A senate bill, entitled,

An act for the relief of M. A. Banks, of the county of Simpson, reported the same back to the house without amendment, and recommended its passage;

Which was received and agreed to, the bill read the third time and passed.

Mr. Connell, from the same committee, to whom was referred,

A senate bill, entitled,

An act to cancel certain payments of taxes therein named, and to require the sheriff of Warren county to collect the same, and for other purposes, reported the same back to the house without amendment, and recommended its passage;

Which was received and agreed to, the bill read the third time, and passed.

Mr. Sessions, from the joint standing committee on enrolled bills, made the following report:

Mr. Speaker—The joint standing committee on enrolled bills have this day examined,

An act prescribing the mode of collecting cost in certain cases, and for other purposes;

An act in relation to the probate judge of Hinds county;

An act authorizing the transcribing into suitable books, the records of Smith county;

An act for the relief of David McCaleb, of Claibore county;

An act to provide for an additional justice of the peace in the district of Holmesville;

An act to regulate and define the relation of master and apprentices;

And have found the same correctly enrolled.

Mr. Sessions, from the select committee, to whom was referred a bill to secure to the owners of slaves, executed by sentence of law, compensation for the same, reported the bill back to the house with an amendment, and recommended its passage;

Which was received and agreed to, and the bill read the third time.

Mr. Hyneman offered the following amendment by way of ryder:

That the police court shall have power, and be required to levy a special tax on slaves, for the purpose of paying the owner of such slave so executed, in the county where the crime is committed.

After some discussion had thereon, the rider was withdrawn.

Mr. Berry of Tippah, offered a ryder by way of additional section.

Mr. Warren moved to lay the whole subject on the table;

Which was lost.

The question was then taken on the adoption of the ryder offered by Mr. Berry, and decided in the negative.

The question was then taken on the passage of the bill as amended, and decided in the affirmative by yeas and nays, as follows:

Those who voted in the affirmative are,

Mr. Speaker, Messrs. Abbot, Alcorn, Allen, Archer, Bailey, Beaty, Binford, Buford, Cannon, Chewning, Connell, Crain, Emanuel, Ewing, Farrar, Foster, Fowles, Gilleland, Greaves, Green of Hinds, Griffin, Guy, Harris, Hule, Kennedy, Leigh, Martin, May, McAfee, McCaughan, McDonald, McInnis, Nash, Netterville, North, Pendleton, Pettus, Pope, Potts, Randall, Rossman, Sessions, Sharkey, Simrall, Smiley, Smith of Washington, Smyth of Winston, Spann, Thompson, Torrey, Weathersby, White and Woodbury—54

Those who voted in the negative, are,

Messrs. Beene, Berry, of Simpson, Berry of Tippah, Brooks, Bynum, Campbell, Carson, Chambers, Cowan, Cushman, Cypert, Dilworth of Monroe, Dilworth of Tishemingo, Fontaine, Frost, Gibbs, Harrison, Hinds, Holleman, Hughs, Hyneman, Lemly, Loper, McNabb, Metcalf, Millsaps, Moody Moore, Robertson, Rushing, Simmons, Singleton, Stuart, Totten, Warren and York, —36.

Mr. Dilworth of Tishemingo, from the seclect committee, to whom was referred,

A bill, to be entitled,

An act supplemental to an act entitled an act to restrict the sheriff of Hancock county from doing constable's business, and for other purposes, reported the same back to the house with an amendment thereto, and recommended its passage;

Which was received and agreed to, and the bill ordered to be engrossed for a third reading on tomorrow.

Mr. Alcorn, from the committee to whom was referred the petition of J. D. Shaw and others, reported,

A bill, to be entitled,

An act for the relief of settlers upon the state and school lands;

Which was read the first time, and the report received and agreed to.

Mr. Alcorn asked for a suspension of the rule;

Which was refused,

The house resolved itself into committee of the whole on its special order, relative to the apportionment of representatives and senators in this state;

Mr. Cannon in the chair.

After some time spent therein, the committee rose, reported progress, and asked leave to sit again this evening at 3 o'clock, P. M;

Which was received and agreed to.

A message from the senate by Mr. Wilcox, their secretary.

Mr. Speaker—The president of the senate has signed acts originating in the house of representatives of the following titles:

An act to authorize the sale of lands belonging to the sinking fund, and other purposes;

An act to incorporate the town of Paulding, in Jasper county;

An act to incorporate the Holmesville lodge No. 69, of free and accepted masons, in the county of Pike;

An act to incorporate Washington lodge No. 2, of the independent order of Odd Fellows, in the city of Natchez;

An act prescribing the mode of collecting costs in certain cases, and for other purposes;

An act in relation to the probate judge of Hinds county.

The president of the senate has signed acts originating in the senate of the following titles:

An act to incorporate the town of Raleigh, in the county of Smith, and repeal the acts heretofore passed, incorporating said town;

An act for the relief of the sheriff of Lowndes county;

An act to incorporate the Grand Gulf lodge No. 41, of free and accepted masons;

An act to incorporate Marion lodge No. 62, in the town of Marion, Lauderdale county;

An act to relinquish the claim of the state by escheat, to the estate of Alfred Cottingham, deceased, in favor of certain persons therein named;

An act to regulate and define the relation of master and apprentices;

An act to provide for an additional justice of the peace in the district of Holmesville;

An act for the relief of David McCaleb of Claiborne county;

An act to authorize the transcribing into suitable books, the records of Smith county;

Resolutions and memorial of the legislature of the state of Mississippi, to the congress of the United States, now in session;

Which I am instructed to present to the speaker of the house of representatives for his signature.

The senate have passed the following bills:

A bill to be entitled,

An act to divide the forty-fifth regiment of Mississippi militia;

A bill to be entitled,

An act to incorporate the Lexington library and debating society;

In which I am instructed to desire the concurrence of the house of representatives:

The senate have passed the following bills from the house of representatives:

A bill, to be entitled,

An act to change the time of holding the probate court of Franklin county;

A bill, to be entitled,

An act to repeal the 4th section of an act entitled an act to amend an act to incorporate the town of Grenada, in Yalobusha county, and for other purposes;

A bill to be entitled,

An act to change the name of Susan Westley House, and for other purposes;

A bill, to be entitled,

An act to authorize the board of police of Green county to levy special taxes, and for other purposes;

A bill, to be entitled,

An act to declare Mike's or Fishing river, in the county of Hancock, a navigable stream;

A bill, to be entitled,

An act for the relief of widows and orphans, and for other purposes;

A bill to be entitled,

An act to incorporate the town of Enterprise, in Clark county;

A bill, to be entitled,

An act to amend the charter of incorporation of the town of Port Gibson;

A bill to be entitled,

An act to establish the seat of justice in Issaquena county;

A bill to be entitled,

An act to secure to the owners of slaves executed by sentence of law, compensation for the same;

A bill, to be entitled,

an act to incorporate the town of Greensborough, in Choctaw county, and to repeal all other acts incorporating the same;

A bill, to be entitled,

An act to incorporate Naoma lodge No. 17, of the independent order of Odd Fellows.

On motion of Mr. Allen,

The house took a recess until 3 o'clock p. m.

THREE O'CLOCK P. M.

The house resumed its session,

And resolved itself into committee of the whole on its special order, the apportionment bill;

Mr. Cannon in the chair.

After some time spent therein, the committee rose, and through their chairman, reported progress, and obtained leave to sit again on to-morrow at 11 o'clock.

On motion of Mr. Allen,

The house took a recess until half past seven o'clock.

7 O'CLOCK, P. M.

The house met pursuant to adjournment.

Mr. Sessions from the joint standing committee on enrolled bills, made the following report:

MR. SPEAKER—The joint standing committee on enrolled bills, have this day presented to his excellency the governor for his approval and signature, bills of the following titles, originating in the senate:

An act to incorporate Asylum lodge No. 63, of free and accepted masons, in the town of Woodville, orignating in the house of representatives;

An an act authorizing the board of police of Issaquena county to levy a special tax for certain purposes therein mentioned;

An act to define the powers of the county police of Covington and Pike counties in relation to the three per cent. fund;

An act to authorize the board of police of Marshall county to improve the Holly Springs and Pontotoc road;

An act locating the seat of justice for the county of Hancock and for other purposes;

An act to legalize George W. Hicks;

An act for the relief of George Holley of Harrison county;

An act to incorporate the Phœnix engine company No. 2, of Vicksburg;

An act to incorporate the Fulton fire engine company No. 3, of Vicksburg;

An act to authorize the board of police of Tishemingo county to locate a poor house;

An act for the relief of William Brown;

An act to authorize foreign guardians to remove the property of their wards out of the state;

An act for the relief of Tillman Mitchell, late sheriff of Kemper county;

An act to aid the citizens of Vicksburg in building a hospital in place of the one destroyed by fire;

An act to repeal the second section of an act entitled an act to regulate the interest on the school fund, and for other purposes;

An act to legalize the test of all writs, executions and other legal process in the seventh judicial district of this state, and for other purposes;

The following message was received from his excellency the governor by Mr. Nicholson his private secretary:

Mr. Speaker—His excellency the governor has this day approved and signed bills which originated in the house of representatives of the following titles, to wit:

An act for the relief of George Holly, of Harrison county;

An act to authorize the board of police of Issaquena county to levy a special tax for certain purposes therein mentioned;

An act to legalize the test of all writs, executions and all other legal process in the 7th judicial district of this state, and for other purposes;

An act to authorize the board of police of Tishemingo county, to locate a poor house;

An act locating the seat of justice for the county of Hancock, and for other purposes;

An act to legalize George W. Hicks;

An act to incorporate the Phœnix engine company No. 2, of Vicksburgh;

An act to incorporate the Fulton fire engine company, No. 3, of Vicksburg;

An act to authorize the board of police of Marshall county to improve the Holly Springs and Pontotoc road;

An act o define the powers of the county police of Covington and Pike counties, in relation to the three per cent. fund;

An act for the relief of William Brown;

An act to authorize foreign guardians to remove the property of their wards out of this state;

An act to aid the citizens of Vicksburg in building a hospital, in place of the one destroyed by fire;

An act for the relief of Tillman Mitchell, late sheriff of Kemper county;

An act to repeal the second section of an act entitled an act to regulate the interest on the school fund, and for other purposes.

The senate bill entitled,

An act amendatory of an act allowing fees to sheriffs and constable in certain cases;

Was read the second time; and,

On motion of Mr. Green of Hinds,

Referred to the judiciary committee.

The senate memorial to the congress of the United States, relative to Pearl river;

Was read the second and third time, and passed.

The house memorial to the congress of the United States to remove the obstructions in, and open the pass from the Mississippi river, &c.;

Was read the second and third time, and passed.

The house bill entitled,

An act to regulate the practice in justices courts;

Was read the third time.

The question was then taken on the passage of the bill, and decided in the negative.

The house bill, entitled,

An act to make provisions for digesting the statute laws of this state;

Was read the second time; and,

On motion of Mr. Warren,

Referred to the committee on propositions and grievances.

The house bill, entitled,

An act to change the mode of electing members of the board of police of Claiborne county, was, by leave, withdrawn by Mr. Allen.

The senate bill entitled,

An act to authorize the police court of Claiborne county to erect toll bridges;

Was read the third time; and,

On motion of Mr. Allen,

Recommitted to a select committee of three, consisting of Messrs. Allen, Rossman and Smith of Washington.

The senate bill for the relief of Wm. Bailey;

Was read the second time.

Mr. Singleton offered a proviso to the senate bill as amended;

Which was adopted, the bill read the third time, and passed as amended.

The house bill, entitled,

An act to amend an act to regulate the mode of obtaining license to sell vinous and spirituous liquors;

Was read the second time.

Mr. Green of Hinds, moved to refer the bill to the committee on ways and means;

Which was lost.

Mr. Warren moved that the bill be committed to the committee of the whole house instanter;

Which was lost.

On motion of Mr. McDonald,

The bill was laid on the table.

The house bill, entitled,

An act to authorize the governor of this state to exchange public documents;

Was read the second and third time, and passed.

On motion of Mr. Hinds,

The house adjourned.

SATURDAY, February 14, 1846.

The House met pursuant to adjournment;

And its deliberations were opened with prayer by the Rev. Dr. Lowell, of Jackson.

Mr. Singleton, from the committee on propositions and grievances, to whom was referred the petition of the trustees of the state hospital at Natchez, reported,

A bill to be entitled,

An act, for the relief and benefit of the state hospital at Natchez;

Which was read the first time, and the report received and agreed to.

Mr. Singleton asked for a suspension of the rules;

Which was refused.

Mr. Singleton, from the same committee, to whom was referred the petition of Francis Gildart and others, of Wilkinson county, praying the legislature to pass an act, remunerating Geo. W. Noland for a negro boy belonging to said Noland, who was hanged for murder on the 9th day of January last, reported that it is inexpedient to grant the prayer of the petitioner;

Which was received and agreed to.

Mr. Connell, from the joint standing committee on claims, to whom was referred the claims of James White, a citizen of Pontotoc county, reported,

A bill to be entitled,

An act, for the relief of James White;

Which was read the first time, and the report received and agreed to.

On motion of Mr. Millsaps,

The rule was suspended, and the bill read the second and third time, and passed with its title as stated.

Mr. Gilleland, from the select committee to whom was referred the petition of Benjamin S. Tipton, reported,

A bill to be entitled,

An act, authorizing Benjamin S. Tipton to keep a ferry across Big Black river;

Which was read the first time, and the report received and agreed to.

Mr. Allen, from the select committee to whom was referred,

The senate bill entitled,

An act, to authorize the police court of Calhoun county to erect toll bridges, reported the same back to the house with an amendment;

Which was received and agreed to, the bill read the third time and passed as amended.

Mr. Harrison offered the following preamble and resolution:

Whereas, the laws, giving to makers of promissory notes and writings obligatory, for the payment of money, the right to set up any defence in the hands of the assignee that accrued before notice of assignment, that could be made or pleaded to the same in the hands of the original payee, is productive of great hardships, injustice and frauds, and has a tendency greatly to cripple and embarrass the negotiability of said notes and writings obligatory; therefore,

Resolved, That the committee on the judiciary be required to inquire into the expediency of altering the law on this subject, and that they report by bill or otherwise;

Which was adopted.

Mr. Harrison offered the following resolution:

Resolved, That the committee on ways and means be requested to enquire into the expediency of abolishing the office of assessor, and passing a law making it the duty of the members of the board of police to assess all the polls, property and privileges that are now taxable in their respective beats, and that the committee report by bill or otherwise,

Which was lost.

Mr. Huie offered the following resolution:

Resolved, That the committee on the judiciary be requested to inquire into the expediency of amending the probate laws of this state:

1st. So as to make it lawful for the probate judges of this state to examine and allow claims against the estates of decedents in vacation;

2nd. To make it the duty of the probate judges of this state to take copies of all claims so examined and allowed, and to file the same in the clerk's office of said court.

3d. To repeal the laws authorizing the appointment of commis-

sioners of insolvency on estates of decedents declared insolvent, and to pass a law instead thereof, authorizing the probate judges, ex officio, to act as commissioners in such cases;

Which was lost.

Mr. Cannon offered the following resolution:

Resolved, That the committee on the judiciary be required to enquire into the expediency of so amending the laws, regulating the taking bonds of public officers in this state hereafter, so as that the bond shall create a lien in the nature of a mortgage on all the property, both real and personal, of all public officers from the execution of their bonds;

Which was lost.

On motion of Mr. Harris,

Resolved, That the committee on claims be instructed to report back the claim of Thomas Holliday, of Copiah county.

Mr. Wade, by leave, introduced

A bill, to be entitled,

An act, supplementary to an act entitled, an act to repeal certain laws in relation to the road hands in Honey Island, in Holmes county, aproved Feb. 5th, 1846;

Which was read three several times and passed.

Mr. Metcalf, by leave, introduced

A bill to be entitled,

An act, to provide for the payment of returning officers, judges, sheriffs, and clerks of elections;

Which was read the first and second time.

Mr. Sharkey offered the following amendment:

Strike out "one dollar," and insert "two."

On motion of Mr. Green of Hinds,

The bill and amendment were laid on the table.

Mr. Alcorn, by leave, introduced

A bill to be entitled,

An act, granting to settlers upon the state land, a pre-emption right to one quarter section;

Which was read the first and second time.

Mr. Green of Tippah moved to postpone the further consideration of the subject until the 1st of June next;

Which was decided in the negative by yeas and nays as follows:

Those who voted in the affirmative, are,

Mr. Speaker, Messrs. Abbott, Archer, Beene, Berry of Tippah, Buford, Cowan, Fontaine, Frost, Green of Tippah, Griffin, Hinds, Holleman, Huie, Millsaps. Moore, Robertson, Simmons, Smyth of Winston, Totten and Weathersby—21.

Those who voted in the negative, are,

Messrs. Alcorn, Allen, Bailey, Beaty, Berry of Simpson, Binford, Brooks, Bynum, Cannon, Carson, Chewning, Connell, Crain, Cypert, Dilworth of Monroe, Dilworth of Tishemingo, Emanuel, Farrar, Foster, Fowles, Gibbs, Gilleland, Greaves, Green of Hinds, Guy, Harris, Harrison, Hughes, Hyneman, Kennedy, Leigh, Lemley, Loper, Martin, Maxcy, May, McCaughan, McDonald, McInnis, McNabb, Metcalf, Moody, Netterville, North, Pendleton, Pettus, Pope, Potts, Randall, Rogers, Rossman, Rushing, Sessions, Sharkey, Simrall, Singleton, Smiley, Smith of Washington, Spann, Stuart, Thompson, Torrey, Warren, White, Woodbury and York —66.

On motion of Mr. Bailey,

The bill was referred to a select committee of five, consisting of Messrs. Bailey, Alcorn, Smith of Washington, Chewning and Carson.

Mr. McCaughan, by leave, introduced

A bill, to be entitled,

An act, to amend the laws of this state in relaton to runaway slaves;

Which was read the first and second time and referred to the committee on the judiciary.

On motion of Mr. Moody,

Resolved, That the commit ee on claims be required in all cases to report back to the house any claim that may have been introduced by any member and rejected by the committee.

Mr. North, by leave, introduced

A bill, to be entitled,

An act, to change the name of Theophilus Pitcher;

Which was read three several times, and passed.

Mr. Allen, by leave, introduced

A bill, to be entitled,

An act, to exempt the town of Grand Gulf from the wharfage law now in force;

Which was read the first time.

Mr. Sessions, from the joint standing committee on enrolled bills, made the following report:

Mr. Speaker—The joint standing committee on enrolled bills, have this day examined:

An act, to declare Mike's or Fishing river, in the county of Hancock, a navigable stream;

An act, for the relief of widows and orphans, and for other purposes;

An act, to repeal the 4th section of an act entitled, an act to amend an act to incorporate the town of Grenada, in Yalobusha county, and for other purposes;

An act, to change the name of Susanna Westly House, and for other purposes;

An act, to secure the owners of slaves executed by sentence of law, compensation for the same;

An act, to authorize the board of police of Green county to levy special taxes, and for other purposes;

An act, to establish the seat of justice in Issaquena county;

An act, to change the time of holding the probate court of Franklin county;

An act to incorporate the town of Enterprize in the county of Clarke;

An act, to incorporate the town of Greensboro', in Choctaw county, and to repeal all other acts incorporating the same;

An act, to incorporate Nioma lodge, No. 17, of the independent order of odd fellows;

An act, to amend the charter of incorporation of the town of Port Gibson;

An act, to amend an act entitled an act to amend an act entitled an act to make valid and confirm the last will and testament of William Wall, of Monroe county, deceased; approved February 26, 1843;

An act, providing for the purchase of the book called "North on probate courts;"

An act, for the relief of M. A. Banks, of the county of Simpson;

An act, to amend an act entitled an act to incorporate the Chuquatontia turnpike company;

An act to cancel certain payments of taxes therein named, and

to require the sheriff of Warren county to collect the same, and for other purposes;

And have found the same correctly enrolled.

Mr. Wade, by leave, introduced

A bill to be entitled,

An act, defining who shall be considered and adjudged brokers;

Which was read the first and second time, and,

On motion of Mr. Leonard,

Laid on the table.

On motion of Mr. Cushman,

The joint preamble and resolutions of the legislature of the state of Mississippi, relative to certain burnt warrants, was called up, read the third time, and passed;

On motion of Mr. Warren,

The vote taken on laying the bill on the table, relative to brokers, was reconsidered, and the bill referred to the judiciary committee.

The motion of Mr. Totten, previously made, to reconsider the vote on refusing to agree to the report of the committee on public buildings, was considered.

The question was taken on the motion to reconsider and decided in the affirmative.

On motion of Mr. Green of Hinds,

The report and accompanying documents were referred back to the same committee.

On motion of Mr. Connell,

The resolution relative to the adjournment of the legislature, sine die, on the 16th inst., was called from the table.

Mr. Hughes offered the following amendment:

Strike out the 16th inst., and insert the 27th.

The question was taken on striking out, and carried.

Mr. Lemly moved to insert the 10th of March.

Before any action was taken on the subject,

On motion of Mr. Emanuel,

The house adjourned.

MONDAY, February 16, 1846.

The house met pursuant to adjournment;

Mr. Connell, from the joint standing committee on claims, to whom was referred a bill for the relief of William Wing, reported the same back to the house, it being improperly referred;

Which was received and agreed to, and,

On motion of Mr. Connell,

Referred to the committee on propositions and greivances.

Mr. Fowles, from the select committee to whom was referred a resolution to inquire into the expediency of memorializing Congress to grant to the counties of Adams and Wilkinson, the lands lying in said counties annually inundated by the waters of the Mississippi, Homochitto and Buffaloo rivers, for the purpose of constructing levees, &c., reported a memorial to the congress of the United States on that subject;

Which was read the first time, and the report received and agreed to.

On motion of Mr. Fowles,

The rule was suspended, the memorial read the second and third time and passed.

Mr. Greaves, from the select committee to whom was referred the petition of Louisa Williams, reported, that from the testimony adduced they believe the facts stated in the petition to be true, and that said Louisa Williams is a woman of pure white blood, and recommended the passage of a law declaring said Louisa Williams and her children free white citizens;

Which was received and agreed to.

On motion of Mr. Greaves,

The senate bill, entitled,

An act, for the relief of Louisa Williams and her children, was called from the orders of the day, the bill read the second and third time, and passed.

On motion of Mr. Maxcy,

The bill, entitled,

An act, to attach the county of Noxubee to the 4th judicial district of this state, and for other purposes, was called from the orders of the day, and read the second time.

Mr. Maxcy offered the following amendment by way of additional section;

Which was adopted.

The rule being suspended, the bill was read the third time and passed as amended.

A message from the senate.

Mr. Speaker—The president of the senate has signed acts originating in the senate, of the following titles:

An act, for the relief of M. A. Banks, of the county of Simpson;

An act, to amend an act entitled an act to incorporate the Chuquatontia turnpike company;

An act, providing for the purchase of the book called "North on probate courts;"

An act, to cancel certain payments of taxes therein named, and to require the sheriff of Warren county to collect the same, and for other purposes;

An act, to amend an act entitled an act to amend an act entitled an act, to make valid and confirm the last will and testament of William Wall, deceased, of Monroe county, approved July 26th, 1843;

Which I am instructed to present to the speaker of the house of representatives for his signature.

The senate have concurred in the resolution from the house, referring

A bill to be entitled,

An act, to establish volunteer companies for the more efficient organization of this state, to a joint select committee of five on the part of the house, and — on the part of the senate.

The senate have filled the blank with No. 3, and have appointed Messrs. Gion, Lipscomb and Stuart.

The senate have concurred in the amendment made by the house of representatsve to

A senate bill entitled,

An act, for the relief of W. S. Baily.

Mr. Allen, from the standing committee on education, to whom was referred an act to authorize trustees of sahool lands to rescind sales, &c., reported the same back to the house, and deemed it inexpedient to pass the bill;

Which was received and agreed to.

Mr. Dilworth of Tishemingo, by leave, introduced

A bill to be entitled,

An act, to dispense with the office of state commissioner, and for other purposes;

Which was read the first and second time, and referred to the committee on the seminary fund.

On motion of Mr. Bailey,

The senate bill, entitled,

An act, to incorporate the Locopolis rail road company,

Was called from the orders of the day, the bill read the third time, and passed with its title as stated.

On motion of Mr. Berry of Simpson,

The bill entitled,

An act, to authorize Nancy Gowan, administratrix, to transfer the administration of the estate of Meridith Gowan, deceased, from the probate court of Copiah county, to the probate court of Simpson county, was called from the orders of the day, read the third time, and passed with its title as stated.

Mr. Greaves, by leave, introduced

A bill to be entitled,

An act, amendatory of an act to repeal the acts heretofore passed, incorporating the city of Jackson;

Which was read three several times forthwith, and passed with its title as stated.

Mr. McCaughan, by leave, introduced

A bill, to be entitled,

An act, to change the labor of convicts in the state penitentiary, and for other purposes;

Which was read the first and second time, and,

On motion of Mr. McCaughan,

The bill was made the special order of the day for committee of the whole on Saturday at 11 o'clock.

Mr. Totten, by leave, presented the petition of Thos. H. Allen and Angus Gillis;

Which was referred to the committee on propositions and grievances.

Mr. Totten, by leave, introduced

A bill to be entitled,

An act, further to amend an act entitled an act to incorporate the

Northern bank of Mississippi, approved April 28th, 1837;

Which was read the first time.

On motion of Mr. Harris,

The bill was rejected.

Mr. Green, by leave, introduced

A bill, to be entitled,

An act, for the benefit of Lucy Dixon, of Hinds county;

Which was read three several times and passed with its title as stated.

On motion of Mr. Sessions,

The bill, entitled,

An act, to provide for the erection of levees on the Mississippi river, in Warren county, was called up, the bill read the third time, and passed with its title as stated.

Mr. McCaughan, by leave, introduced

A resolution by the legislature of the state of Mississippi relative to the officers of the penitentiary;

Which was read the first time.

Mr. McCaughan asked for a suspension of the rules;

Which was refused.

Mr. Torrey, by leave, introduced

A bill, to be entitled,

An act, to amend an act entitled, an act to prescribe the mode of proceeding against incorporated banks for a violation of their corporate franchises, and against persons pretending to exercise corporate privileges under acts of incorporation, and for other purposes, approved July 26, 1843;

Which was read the first and second time.

On motion of Mr. Smith of Washington,

Two hundred copies were ordered to be printed, and the bill made the special order of the day for committee of the whole on Thursday next.

Mr. Pettus, by leave, introduced a resolution granting leave of absence to A. B. Dawson;

Which was read three several times, and passed.

The senate bill, entitled,

An act, for the benefit of the children of William Martin, of Claiborne county,

Was read the first and second time, and,

On motion of Mr. Allen,

Referred to a select committee of three, consisting of Messrs. Allen, Rossman and Sharkey.

A message from the senate by Mr. Wilcox their secretary:

Mr. Speaker—The senate have given leave to the introduction of bills of the following titles:

A bill to be entitled,

An act, to incorporate the pastor, deacons and members of the first Baptist church in Aberdeen;

A bill to be entitled,

An act, providing for the liquidation and surrender of the corporate franchises of the several banks of this state;

A bill to be entitled,

An act, for the relief of Oakland college;

A bill to be entitled,

An act, for the relief of the Columbus riflemen;

A bill, to be entitled,

An act, to establish and carry into operation a state lunatic hospital in the city of Jackson;

A bill, to be entitled,

An act, to amend the laws relative to runaway slaves.

They have also passed,

An act, to change the name of Morris Shenkloski to that of Morris Price.

Also, the following bills and resolutions from the house:

A bill, to change the name of Theophilus Pitcher;

A bill, for the benefit of Lucy Dickson, of Hinds county;

Joint preamble and resolutions;

A memorial to congress, requesting the graduating of certain overflowed lands in the counties of Adams and Wilkinson, &c.

The senate have passed the following bills from the house of representatives:

A bill, to be entitled,

An act, to authorize the governor of the state of Mississippi to appoint commissioners in other states;

A bill to be entitled,

An act, to authorize the governor of this state to exchange all laws, reports and legislative documents, printed by order of the legislature of this state for those published in other states;

The senate have concurred in the amendments made by the house of representatives to a bill from the senate to be entitled,

An act, to authorize the police court of Claiborne county to erect toll bridges;

The senate bill entitled,

An act. to incorporate the Lexington library and debating society,

Was read three several times, and passed with its title, as stated.

The senate bill, entitled,

An act, to change the time of holding the circuit court in the 3d judicial district in this state, and for other purposes,

Was read the first and second time, and referred to a select committee of five, consisting of Messrs. Totten, Smith of Washington, Sharkey, Green of Hinds, and Chewning.

The senate bill, entitled,

An act, to divide the 45th regiment of Mississippi militia, now composing the militia of Chickasaw county,

Was read three several times forthwith, and passed with its title as stated.

Mr. Sessions, from the joint standing committee on enrolled bills, made the following report:

Mr. Speaker—The joint standing committee on enrolled bills, have this day presented to his excellency the governor, for his approval and signature, bills of the following titles:

An act, for the relief of David McCaleb, of Claiborne county;

An act, to regulate and define the relation of master and apprentices;

An act, for the relief of the sheriff of Lauderdale county;

An act, to incorporate the town of Raleigh, in the county of Smith, and to repeal the acts heretofore passed incorporating said town;

An act, to incorporate the Grand Gulf lodge, No 41, of free and accepted masons;

An act, to incorporate Marion lodge, No. 62, in the town of Marion, Lauderdale county;

An act, to relinquish the claim of the state by escheat to the estate of William Alfred Cottingham, deceased, in favor of certain persons therein named;

An act, to provide for an additional justice of the peace in the district of Holmesville;

An act, to authorize the transcribing into suitable books the records of Smith county;

Memorial and resolution of the state of Mississippi to the congress of the United States now in session;

An act, to authorize the sale of lands belonging to the sinking fund, and for other purposes;

An act, to incorporate the Holmesville lodge, No. 69, of free and accepted masons, in the county of Pike;

An act, in relation to the probate judge of Hinds county;

An act, to incorporate Washington lodge No. 2, of the independent order of odd fellows, in the city of Natchez;

An act, prescribing the mode of collecting costs in certain cases, and for other purposes;

An act, to incorporate the town of Paulding, in Jasper county;

And have examined

An act, for the relief of W. S. Bailey;

An act, to authorize the police court of Claiborne county to erect toll bridges;

A memorial to the congress of the United States;

And have found the same correctly enrolled.

The senate bill, entitled,

An act, granting certain powers and privileges to the officers and trustees of organized religious and charitable societies, and for other purposes,

Was read the first time.

The senate bill, entitled,

An act, to repeal the law of liens on judgments in justices courts,

Was read the first time.

The senate bill, entitled,

An act, to incorporate Vanatta lodge, No. 68, of free and accepted masons in the town of Raleigh, in Smith county,

Was read three several times, and passed with its title as stated.

Mr. Allen gave notice that he would move for a reconsideration of the vote taken on the rejection of the bill to remove the Northern bank of Mississippi, &c.

The unfinished business of Saturday was then considered, relative to the adjournment of the legislature.

The question was on Mr. Lemly's motion to strike out the 16th inst., and insert the 10th of March.

Mr. Allen moved to lay the whole subject on the table.

On motion of Mr. Sharkey, a call of the house was had.

Messrs. Malone and Thompson were excused.

On motion of Mr. Warren,

The further call of the house was suspended.

The question was then taken on the motion to lay on the table, and decided in the negative by yeas and nays as follows:

Those who voted in the affirmative, are,

Messrs. Adams, Allen, Brooks, Garson, Chambers, Emanuel, Fontaine, Farrar, Foster, Fowles, Greaves, Green of Hinds, Harris, Head, Hyneman, Lemly, Martin, May, McAfee, McCaughan, McDonald, McInnis, McNabb, Metcalf, Moody, Netterville, North, Nash, Pendleton, Pettus, Randall, Rogers, Rossman, Rushing, Sharkey, Smiley, Smith of Washington, Spann, Stuart, Torrey, Totten, White and Woodbury—43.

Those who voted in the negative, are,

Mr. Speaker, Messrs. Abbott, Archer, Bailey, Beaty, Beene, Berry of Simpson, Berry of Tippah, Binford, Buford, Bynum, Campbell, Cannon, Connell, Crain, Cushman, Cypert, Dilworth of Monroe, Frost, Gibbs, Gilleland, Green of Tippah, Griffin, Guy, Harrison, Hinds, Holleman, Hughs, Huie, Kennedy, Leigh, Loper, Maxcy, Millsaps, Moore, Potts, Robertson, Simmons, Simrall, Smyth of Winston, Warren, Weathersby and York—43

On motion of Mr. Allen,

The further consideration of the subject was postponed until Monday next.

The senate bill, entitled,

An act, to change the name of Morris Shehkloski into that of Morriss Price,

Was read three several times, and passed.

The house resolved itself into committee of the whole on its special order, viz: the apportionment bill,

Mr. Cannon in the chair.

After some time spent therein, the committee rose, reported progress, and asked and obtained leave to sit again at three o'clock, p. m.

On motion of Mr. Fontaine,

The house adjourned until 3 o'clock, p. m.

3 O'CLOCK P. M.

House met pursuant to adjournment.

A message from his excellency, the governor, by Mr. Nicholson, his private secretary:

MR. SPEAKER—His excellency, the governor, has this day approved and signed bills, which originated in the house of representatives, of the following titles, to wit:

An act to incorporate the Holmesville lodge No. 69, of free and accepted masons in the county of Pike;

An act, to incorporate, Washington lodge, No. 2, of the independent order of odd fellows, in the city of Natchez;

An act, in relation to the probate judge of Hinds county;

An act, to authorize the sale of lands belonging to the sinking fund, and for other purposes;

An act, prescribing the mode of collecting costs in certain cases, and for other purposes.

Approved, February 16th, 1846.

I am also directed by his excellency, the governor, to return to the house

A bill to be entitled,

An act, to incorporate the town of Paulding, in the county of Jasper;

And to deliver in relation thereto a communication in writing.

To the house of representatives:

I return to the house in which it originated, a bill to be entitled, an act, to incorporate the town of Paulding, in Jasper county, without my approval and signature.

The 3d section provides that the selectmen of said town shall choose from among themselves a president, who shall, ex-officio, have and exercise all the powers of a justice of the peace in said town. This provision conflicts with the 23d section of the 4th article of the constitution, which declares that a competent number of justices of the peace and constables shall be chosen in each county by the *qualified electors* thereof, by districts. The qualified electors alone have a right to select justices of the peace, according to the constitution. The selectmen may choose a presi-

dent; but being thus chosen, he cannot constitutionally exercise the powers of a justice of the peace.

A. G. BROWN

EXECUTIVE CHAMBER,
Feb. 16th, 1846.

The house then proceeded to take the question on the passage of the bill, the objection of the Governor to the contrary notwithstanding, agreeably to the requisitions of the 15th section of the 5th article of the constitution.

No gentleman voting for the passage of the bill.

Those who voted in the negative, are,

Mr. Speaker, Messrs. Abbott, Adams, Allen, Archer, Bailey, Beaty, Beene, Berry of Simpson, Berry of Tippah, Binford, Buford, Bynum, Campbell, Cannon, Chambers, Chewning, Connell, Crain, Cushman, Cypert, Dilworth of Monroe, Dilworth of Tishemingo, Emanuel, Ewing, Farrar, Fowles, Frost, Gibbs, Gilleland, Green of Tippah, Griffin, Guy, Harris, Harrison, Hinds, Holleman, Huie, Kennedy, Leigh, Lemly, Loper, Martin, McAfee, McCaughan, McNabb, Metcalf, Millsaps, Moody, Moore, Nash, Netterville, Pendleton, Pettus, Pope, Potts, Randall, Robertson, Rushing, Sessions, Simmons, Simrall, Singleton, Smiley, Smith of Washington, Smyth of Winston, Spann, Stewart, Thompson, Torrey, Totten, Wade, Warren, Woodbury, White and York—76.

The house resumed the consideration of the bill to apportion representatives, in committee of the whole,

Mr. Cannon in the chair.

After some time spent therein, the committee rose, and through their chairman reported progress, and asked and obtained leave to set again at 11 o'clock to morrow.

On motion of Mr. Cypert,

The house took a recess until 7 o'clock p. m,

7 O'CLOCK, EVENING.

The house met pursuant to adjournment.

On motion of Mr. Simrall,

A bill, entitled,

An act, to amend an act entitled an act to amend the several act of limitations, approved the 24th of Feb. 1844,

Was called up and made the first business in order on to-morrow.

The house bill, authorizing probate courts to issue executions against executors, administrators and guardians, &c.,

Was read the second time, and,

On motion of Mr. Simrall,

Laid on the table,

The speaker vacated his chair, on account of indisposition, and called Mr. Totten to fill his place.

The house resolution of the legislature, in relation to public lands and pre-emption rights,

Was read the second time.

Mr. Metcalf moved to indefinitely postpone the resolution;

Which was decided in the affirmative by yeas and nays as follows:

Those who voted in the affirmative, are,

Messrs. Abbott, Adams, Beene, Berry, of Tippah, Buford, Bynum, Cannon, Carson, Chewning, Connell, Crain, Cushman, Dilworth of Monroe, Dilworth of Tishemingo, Farrar, Fontaine, Gibbs, Gilleland, Greaves, Green of Tippah, Griffin, Guy, Harris, Hinds, Holleman, Hughs, Hyneman, Kennedy, Leigh, Loper, Martin, McAfee, McNabb, Metcalf, Millsaps, Moody, Moore, Pettus, Robertson, Rossman, Simmons, Singleton, Smyth of Winston, Totten, Wade, Walker, Warren, Woodbury and York—49.

Those who voted in the negative are,

Messrs. Allen, Baily, Beaty, Binford, Brooks, Chambers, Cypert, Emanuel, Ewing, Foster, Fowles, Green of Hinds, Harrison, Leonard, May, McCaughan, McDonald, McInnis, Nash, Netterville, North, Pendleton, Pope, Potts, Rogers, Rushing, Sessions, Simrall, Smith of Washington, Spann, Torrey, Weathersby and White—33.

The house bill, entitled,

An act, to repeal in part an act entitled an act to provide for funding the treasury warrants of the state of Mississippi, issued prior to the first day of January, 1841,

Was read the second and third time, and passed with its title as stated.

The house bill, entitled,

An act, to abolish estray sales, and for other purposes,

Was read the second time, and,

On motion of Mr. Buford,

Referred to the committee on the judiciary.

The house bill to authorize the judges of the circuit courts of this state, to hold special terms in certain cases,

Was read the second time, and ordered to be engrossed for a third reading on to-morrow.

The house bill, to extend and regulate the remedy by attachment,

Was read the third time.

Mr. Warren moved to re-commit the bill to the committee of the whole;

Which was lost.

Mr. Warren offered an amendment by way of ryder, inserting an additional section.

Mr. Harrison moved to lay the bill and amendment on the table;

Which was decided in the affirmative by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Adams, Beene, Berry of Simpson, Beaty, Binford, Bynum, Carson, Chambers, Chewning, Cypert, Emanuel, Foster, Fowles, Gilleland, Griffin, Guy, Harrison, Hinds, Hughes, Hyneman, Kennedy, Loper, Martin, May, McAfee, McCaughan, McDonald, McInnis, Metcalf, Moody, Nash, Netterville, Pendleton, Pope, Robertson, Rogers, Rossman, Rushing, Sessions, Simrall, Singleton, Smyth of Winston, Spann, Torrey, Walker, Warren, Weathersby, Woodbury and York—49.

Those who voted in the negative, are,

Messrs. Abbott, Allen, Baily, Berry of Tippah, Brooks, Buford, Cannon, Connell, Crain, Cushman, Dilworth of Monroe, Dilworth of Tishemingo, Ewing, Farrar, Fontaine, Gibbs, Greaves, Green of Hinds, Green of Tippah, Harris, Holleman, Leigh, Leonard, McNabb, Millsaps, Moore, North, Pettus, Potts, Simmons, Totten and Wade—32.

The house bill, entitled,

An act, to authorize Rebecca P. Davis, guardian, to remove the property of her wards beyond the limits of this state,

Was, by leave, withdrawn by Mr. Cushman.

The house bill, giving the district and chancery courts power to legitamatize bastard children, &c., &c.,

Was read the third time and laid on the table.

The house bill, for the relief of Abner W. Crider, of Copiah county,

Was read the first time, and passed.

The house bill, to increase the fees of certain officers in Tunica county,

Was read the third time, and passed.

The house bill, to incorporate Tappan lodge, No. 59, of free and accepted masons,

Was read the third time and passed.

The house bill, to divide the police district known as the south-western district in Yalobusha county, into two separate magistrates districts,

Was read the third time, and,

On motion of Mr. Green of Hinds,

Laid on the table.

The house bill, to declare the embezzling or unlawful using of public money in this state to be felony, and for other purposes,

Was read the third time, and,

On motion of Mr. Allen,

Re-committed to the judiciary committee.

The house bill, to regulate the liens of judgments and decrees, approved 16th February, 1841, and for other purposes, approved 24th February, 1844,

Was read the third time.

Mr. Simrall offered an amendment, by way of ryder, inserting an additional section;

Which was read the first, second and third time, and adopted.

On motion of Mr. Warren,

The bill was re-committed to the judiciary committee.

The house bill, to amend the laws of this state in relation to bail in criminal cases,

Was read the third time and passed.

Mr. Smyth of Winston moved that the house adjourn;

Which was lost.

The house bill, to authorize the judges of the circuit courts of the state of Mississippi, to grant certain remedial writs,

Was read the second time, and ordered to be engrossed for a third reading on to-morrow.

Mr. Warren moved that the house adjourn;

Which was lost.

The house bill, to dispense with the time prescribed by law for J. F. Griffin and William R. Hudnell, of Madison county, attaining the age of majority,

Was read the second and third time, and passed with its title as stated.

Mr. Green of Tippah, moved that the house adjourn;

Which was lost.

The senate bill, to incorporate the town of Benton, in the county of Yazoo,

Was read the third time, and,

On motion of Mr. Adams,

Referred to a select committee of three, consisting of Messrs. Adams, Woodbury and Allen.

On motion of Mr. Berry of Simpson,

The house adjourned.

TUESDAY, February 17, 1846.

The house met pursuant to adjournment,

And its deliberations were opened with prayer by the Rev. L. J. Halsey, of Jackson.

The speaker vacated the chair, on account of indisposition, and called Mr. Wade to fill the same.

Mr. Gilleland presented the petition of sundry citizens of the town of Kosciusko, Attalla county, accompanied with a counter petition;

Which was referred to the committe on incorporations.

Mr. Carson presented the petition of sundry citizens of the county of Bolivar;

Which was referred to a select committee of three, consisting of Messrs. Carson, Chewning and Smith of Washington.

Mr. Nash presented the petition of sundry citizens of the county of Neshoba;

Which was referred to the judiciary committee.

Mr. Cannon presented the petition of Solomon Jones, of Oktibbeha county;

Which was referred to the committee on ways and means.

Mr. Ewing was permitted to withdraw the petition of J. J. Henry.

Mr. Singleton, from the committee on propositions and grievances, to whom was referred the petition of the trustees of the 16th section, T. 6, R. 1 east, of the county of ——— praying the legislature to pass an act authorizing them to sell said 16 section on a credit of ten years, &c., reported that it is inexpedient to grant the prayer of the petitioners;

Which was received and agreed to.

Mr. Sessions from the joint standing committee on enrolled bills, made the following report:

Mr. Speaker—The joint standing committee on enrolled bills have this day examined,

An act to change the name of Theophilus Pitcher;

An act to authorize the governor of the state of Mississippi to appoint commissioners in other states;

An act to authorize the governor of this state, to exchange all laws, reports and legislative documents, printed by order of the legislature of this state, for those published in other states;

An act for the benefit of Lucy Dickson, of Hinds county;

Preamble and resolutions of the legislature of the state of Mississippi;

A memorial by the legislature of the state of Mississippi, to the congress of the United States, requesting the granting of certain overflown lands in the counties of Adams and Wilkinson, for the purpose of leveeing the same, and for other purposes;

An act to divide the forty-fifth regiment of Mississippi militia, now composing the militia of Chickasaw county;

An act to incorporate the Vanatta lodge No. 68, of free and accepted masons, in the town of Raleigh, in Smith county;

An act to incorporate the Locopolis rail road company;

An act to incorporate the Lexington library and debating society;

An act for the relief of Louisa Williams and her children;

And have found the same correctly enrolled.

Mr. Allen, from the select committee, to whom was referred,

The senate bill entitled,

An act for the benefit of the children of William Martin, dec'd, of Claiborne county, reported the same back to the house with an amendment thereto;

Which was received and agreed to, the bill read a third time, and passed as amended.

Mr. Hughs, by leave, presented the petition of sundry citizens of Attala county;

Which was referred to the committee on county boundaries.

On motion of Mr. Campbell,

The bill relative to legitimatizing bastard children, was called from the table, and read the third time, and passed with its title as stated.

Mr. McNabb, by leave, introduced,

A bill to be entitled,

An act to revive certain sections of the revised code, in relation to the introduction of slaves into this state;

Which was read the first and second time, and made the special order of the day for a third reading on to-mortow, at 10 o'clock.

Mr. Totten, by leave, introduced,

A bill to be entitled,

An act to incorporate St. Thomas hall, in the town of Holly Springs;

Which was read three several times, and passed with its title as stated.

Mr. Totten, by leave, introduced a resolution of the legislature of the state of Mississippi, granting leave of absence to the judges of the high court of error and appeals;

Which was read three several times and passed.

Mr. Bynum, by leave, introduced,

A bill to be entitled,

An act for the better organization of the counties of Jones and Wayne;

Which was read the first and second time, ordered to be engrossed, and made the special order of the day for 12 o'clock, to-morrow.

Mr. Berry of Simpson, presented the petition of sundry citizens of Simpson county;

Which was referred to a select committee of three, consisting of Messrs. Berry of Simpson, Farrar and Metcalf.

Mr. Berry of Simpson, from the select committee, to whom was referred the petition of A. J. Wilcox, *et al.*, citizens of Simpson county, praying for an act to authorize the board of police of said county, to levy a special tax to defray the expenses of erecting a court house, reported that the law is now ample and sufficient, and that there is no necessity of any further legislation on the subject;

Which was received and agreed to.

Mr. Netterville, by leave, introduced,

A bill to be entitled,

An act to authorize the board of police of Wilkinson county, to compromise or dismiss a certain suit;

Which was read three several times, and passed.

The following message was received from the senate by Mr. Wilcox, their secretary:

Mr. Speaker—The president of the senate has signed acts originating in the senate, as follows:

An act for the relief of W. S. Bailey;

An act to authorize the police court of Claiborne county, to erect toll bridges;

A memorial to the congress of the United States;

Which I am instructed to present to the speaker of the house for his signature.

Also, acts originating in the house of representatives, as follows:

An act to incorporate the town of Greensborough, in Choctaw county, and to repeal all other acts incorporating the same;

An act to incorporate Naomi lodge No. 17, of the independent order of Odd Fellows;

An act for the relief of widows and orphans, and for other purposes;

An act to secure to the owners of slaves, executed by sentence of law, compensation for the same;

An act to declare Mike's or Fishing river, in the county of Hancock, a navigable stream;

An act to authorize the board of police of Green county to levy special taxes and for other purposes;

An act to establish the seat of justice in the county of Issaquena

An act to change the name of Susanna Westly House, and for other purposes;

An act to repeal the fourth section of an act entitled an act to amend an act to incorporate the town of Grenada, in the county of Yalabusha, and for other purposes, approved Feb. 22, 1840;

An act to incorporate the town of Enterprize, in the county of Clark;

An act to change the time of holding the probate court of Franklin county;

An act to amend the charter of incorporation of the town of Port Gibson;

The president of the senate has signed acts originating in the senate, as follows:

An act for the relief of Louisa Williamson and her children;

An act to incorporate the Vanatta lodge of free and accepted masons, in the town of Raleigh, in Smith county;

An act to divide the 45th regiment of Mississippi militia now comprising the militia of Chickasaw county;

An act to incorporate the Locopolis rail road company;

An act to incorporate the Lexington library and debating society;

Which I am directed to present to the speaker for his signature.

Mr. Chambers, by leave, introduced,

A bill, to be entitled,

An act to legalize the writs, executions and other legal process in the second judicial district;

Which was read three several times, and passed.

On motion of Mr. Bailey,

The bill entitled,

An act to incorporate the Tillatoba navigation company, &c., was called up, the bill read the third time, and passed with its title as stated.

The special order, entitled,

An act to amend an act entitled an act to amend the several acts of limitation, approved 24th Feb., 1844;

Was read the third time.

Mr. Pettus offered an amendment by way of ryder, by inserting an additional section;

After some discussion thereon, the ryder was withdawn.

Mr. Green of Tippah, called for the previous question;

Which was sustained.

The question was then taken on the passage of the bill, and decided in the negative by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Adams, Allen, Bailey, Beaty, Brooks, Campbell, Cornell, Cushman, Emanuel, Fontaine, Foster, Fowles, Frost, Harrison, Holleman, Hughs, Hyneman, Leigh, Loper, Martin, Maxcy, McAfee, McInnis, Nash, Netterville, North, Pendleton, Pettus, Randall, Robertson, Rogers, Rushing, Sharkey, Simmons, Simrall, Smiley, Stuart and Walker—40.

Those who voted in the negative, are,

Messrs. Abbott, Archer, Beene, Berry of Tippah, Binford, Buford, Bynum, Cannon, Carson, Chambers, Chewning, Cowan, Cypert, Dilworth of Monroe, Dilworth of Tishemingo, Farrar, Gibbs, Gilleland, Greaves, Green of Hinds, Green of Tippah, Griffin, Guy, Harris, Head, Hinds, Hüie, Kennedy, Lemly, McCaughan, McNabb, Millsaps, Metcalf, Moody, Moore, Pope, Potts, Rossman, Sessions, Singleton, Smith of Washington, Smyth of Winston, Thompson, Torrey, Totten, Wade, Warren, Weathersby, White, Woodbury and York—50.

The house resumed the consideration of its special order, the apportionment bill, in committee of the whole;

Mr. Cannon in the chair.

After some time spent therein, the committee rose, reported progress, and asked and obtained leave to sit again at 3 o'clock p. m.

On motion of Mr. Green of Hinds.

The bill entitled,

An act to amend the laws of this state in relation to unlawful and forcible entry and detainer, was called from the orders of the day, and referred to a select committee of five, consisting of Messrs. North, Green of Hinds, McCaughan, Simrall and Spann.

On motion of Mr. Kennedy,

The house adjourned until 3 o'clock p. m.

THREE O'CLOCK, P. M.

The house met pursuant to adjournment.

The committee of the whole resumed its session on the subject before its adjournment;

Mr. Cannon in the chair.

After some time spent therein, the committee rose, reported progress, and asked and obtained leave to sit again on to-morrow at 11 o'clock.

The following message was received from the senate by Mr. Wilcox their secretary, during the discussion of the subject in committee of the whole:

Mr. Speaker—The president of the senate has signed the following bills, which originated in the house of representatives:

An act for the benefit of Lucy Dickson, of Hinds county;

An act to change the name of Theophilus Pitcher;

A memorial by the legislature of the state of Mississippi to the congress of the United States, requesting the granting of certain overflown lands, in the counties of Adams and Wilkinson, for the purpose of leveeing the same, and for other purposes;

An act to authorize the governor of the state of Mississippi, to appoint commissioners in other states;

Preamble and resolutions of the legislature of the state of Mississippi;

An act to authorize the governor of this state to exchange all laws, reports and legislative documents, printed by order of the legislature of this state, for those published in other states.

The senate have passed bills as follows:

A bill, to be entitled,

An act to establish a system of commom schools, and for other purposes;

A bill, to be entitled,

An act to settle the construction of the 13th section of an act entitled an act to amend the several acts of limitation, approved February 24, 1844;

In which I am instructed to desire the concurrence of the house of representatives.

On motion of Mr. Harris,

The house adjourned.

WEDNESDAY MORNING, February 18th, 1846.

The house met pursuant to adjournment;

And its deliberations were opened with prayer by the Rev. Dr. Leavell, of Jackson.

The following message was received from the Senate, by Mr. Wilcox, their Secretary:

Mr. Speaker—The senate have adopted the following resolutions, to-wit:

Resolved (with the concurrence of the house of representatives,) That both houses of the legislature adjourn *sine die*, on Monday the 2nd day of March next.

Resolved, (the house of representatives concurring,) That no bill or resolution shall be introduced into either house, after the 21st of February, instant, unless by the consent of three fourths of the members of the house in which said bill or resolution is introduced.

The speaker not making his appearance on account of indisposition,

On motion of Mr. Cannon,

Mr. Wade was called to the chair.

Mr. Walker, from the joint standing committee on enrolled bills, reported that they have examined,

An act to change the name of Morris Schenkloski, into that of Morris Price, and have found the same correctly enrolled.

Mr. Adams, from the select committee, to whom was referred a bill to incorporate the town of Benton, in the county of Yazoo, reported the same back to the house with an amendment thereto;

Which was received and agreed to, the bill read the third time, and passed as amended.

Mr. Wade, from the standing committee on ways and means, made the following report:

REPORT of the Committee on Ways and Means.

Mr. Speaker—The committee of ways and means, to which that portion of the governor's message, relating to the domestic debt, was referred, have had the same under consideration, and as intimately connected with the same subject, your committee (tho' not instructed so to do,) have also, under the impression, that the legislature is disposed to reimburse certain trust funds, viz: the

seminary fund, the sinking fund, and the two per cent. funds, so far as the same have been paid into the state treasury, in auditor's warrants upon the state treasury, have considered of the means necessary to reimburse said funds, and have instructed me to report: That they have thought proper to recur to the commencement of the year 1844, and to extend their calculations to the termination of the fiscal year of 1850. It will be seen by the showing hereinafter made, based upon the auditor's report to the last and present sessions of the legislature, that the revenue raised under the act of 1844, contributed greatly towards the extinguishment of the domestic debt of the state. The taxes, however, under the existing revenue laws, having been *justly* complained of by the people, as onerous, and the expenses of the state government being greatly diminished by the action of the last legislature, which reduced the salaries of public officers; which action has been inoperative, owing to the fact, that most of the salaries which were reduced, could not be effected, until the expiration of the term for which officers were elected. Your committee have, therefore, ventured to recommend a reduction in the revenue of this state, to the amount of about *seventy-nine thousand* dollars annually; assuming the assessment list of 1845, as the basis of their estimate.

The reduction proposed is as follows:

On jacks,	$ 445 00
" Free white polls,	10,381 00
" Negroes under five years of age,	12,523 00
" Negroes over five and under sixty,	26,138 00
" Merchandize, (estimated,)	2,700 00
" Lands,	27,000 00
Aggregate amount of reduction,	$79,187 00

With this reduction in the revenue, it will be seen, by the table of calculation, exhibited below, that on or before the expiration of the fiscal year of 1850, the state will have more than realized means sufficient, after paying the ordinary current expenses of the state government, to pay all of the outstanding auditor's warrants upon the state treasury, (both funded and unfunded,) and to reimburse all of the trust funds alluded to, and have a balance in the treasury, of $300,000, (three hundred thousand dollars,) or more. Your committee, in their estimate, have only set down the principal of the amounts outstanding against the state, under the impres-

sion, that the increase of taxable property, up to the period assumed, will be amply sufficient to meet any interest that may accrue.

The auditor's report in January 1, 1844, exhibits the amount due by the state on account of auditor's warrants,	$ 614,743 00
There were issued between 1st January 1844, and 1st January, 1846,	436,508 00
Making an aggregate of	$1,051,251 00
There has been paid into the treasury since 1st January, 1844, and up to 1st January, 1846,	779,711 00
Showing a balance due 1st January, 1846, of	271,540 00
To which may be added the amount due to the seminary fund of	103,000 00
Amount due the sinking fund,	84,000 00
Due the two per cent. fund,	48,000 00
Probable expense of the present session of the legislature,	60,000 00
Probable amount of appropriations, besides that already made to seminary fund,	30,000 00
State government for 1846,	125,000 00
Probable expenses for 1847,	125,000 00
Probable expense of legislature for 1848,	60,000 00
Appropriations by same,	30,000 00
Expenses of the government for 1848,	125,000 00
" " " 1849,	125,000 00
" " legislature " 1850,	60,000 00
" " appropriations, 1850,	30,000 00
Expenses of government to 1st May, 1850,	40,000 00
Making an aggregate sum of	$1,316,540 00
To pay which, there will be probably realized from the assessment list of 1845, and miscellaneous sources,	390,000 00
Under the proposed revenue bill of 1846,	311,000 00
" " " " 1847,	311,000 00
" " " " 1848,	311,000 00
" " " " 1849,	311,000 00
	$1,634,000 00
Deduct the aggregate of expenses up to 1st May, 1850,	1,316,000 00
Amount remaining in the treasury on the 1st day of May, 1850,	$ 318,000 00

Thus it will be seen, that if the above calculation be not mate-

rially defective, that there will be in the treasury, a sum sufficient, under the revenue bill herewith presented, to pay all probable demands upon the state, and to take up all of the outstanding auditor's warrants, and to reimburse the trust funds heretofore named; and on the first day of May, 1850, to leave a balance in the treasury of more than $300,000, (three hundred thousand dollars.) Your committee cannot close this report without expressing their thorough conviction of the necessity of a reduction of the present rate of taxation. All of which, together with the accompanying bill, is respectfully submitted.

J. W. WADE, *Chairman of Com. H. R.*

The bill, entitled,

An act to amend and reduce into one, the several acts in relation to the revenue of this state; and for other purposes, accompanying this report;

Was read the first time, and the report received.

On motion of Mr. Simrall,

The report was laid on the table, and five hundred copies ordered to be printed.

On motion of Mr. Harrison,

The special order to be entitled,

An act to incorporate the Panola and Delta railroad company;

Was called up.

On motion of Mr. Harrison,

The house resolved itself into committee of the whole on said bill;

Mr. Sharkey in the chair.

After some time spent therein, the committee rose, reported the bill back to the house as amended, and recommended its passage;

Which was received and agreed to, the bill read the third time, and passed with its title as stated.

Mr. Smith of Washington, from the select committee, to whom was referred,

A bill, to be entitled,

An act to change the time of holding the circuit courts in the 3rd judicial district, reported the same back to the house with sundry amendments thereto;

Which was received.

The second amendment as follows:

Amend by striking out the second paragraph, of the second section, and inserting, "in the county of Sunflower, on the first Mondays of March and September, and may continue six judicial days, if business so long require, and no longer. Also, the first paragraph of the second section, and sixth line thereof, by striking out the word "sixth," and inserting the word "fifth;"

Was concurred in.

The question was then taken on agreeing to the remainder of the report, and decided in the negative.

On motion of Mr. Singleton,

The bill was laid on the table.

Mr. Totten, by leave, introduced,

A bill to be entitled,

An act to change the time of holding the circuit courts in the county of Marshall;

Which was read three several times and passed.

On motion of Mr. Singleton,

Resolved, That the auditor of public accounts be instructed to lay before this house, the amount of taxes due the state of Mississippi, from the various banks in said state.

On motion of Mr. Emanuel,

Sundry additional sections were incorporated in the revenue bill.

The special order being called for,

On motion of Mr. North,

A call of the house was had.

On motion of Mr. Hinds,

Mr. Beene was excused.

On motion of Mr. Rogers,

Mr. Smiley was excused.

On motion of Mr. Emanuel,

The absentees were sent for.

The Sergeant-at-arms brought in Messrs. Leonard and May, who were excused without fees.

The house resolved itself into committee of the whole on the apportionment bill;

Mr. Cannon in the chair.

After some time spent therein, the committee rose, reported the

bill back as amended, and recommended its passage;

Which was received.

The question then recurred on agreeing to the report.

On motion of Mr. Greaves,

A call of the house was had.

The members having answered to their names, the question was taken on agreeing to the report of the committee, and decided in the negative by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Adams, Allen, Beaty, Berry of Simpson, Carson, Chambers, Dilworth of Tishemingo, Emanuel, Ewing, Fowles, Frost, Fontaine, Gibbs, Green of Hinds, Head, Hyneman, Lemly, Leonard, Loper, May, McCaughan, McDonald, McInnis, McNabb, Metcalf, Moody, Netterville, North, Pendleton, Randall, Rogers, Rossman, Rushing, Sharkey, Simrall, Smith of Washington, Stuart, Thompson, Weathersby, White and Woodbury—42.

Those who voted in the negative, are,

Messrs. Alcorn, Baily, Beene, Berry of Tippah, Binford, Brooks, Bynum, Campbell, Cannon, Chewning, Cowan, Crain, Cushman, Cypert, Dilworth of Monroe, Farrar, Foster, Gilleland, Greaves, Green of Tippah, Harris, Harrison, Hinds, Holleman, Hughs, Kennedy, Leigh Malone, Martin, McAfee, Millsap, Nash, Pettus, Pope, Potts, Robertson, Simmons, Singleton, Smyth of Winston, Spann, Torrey, Totten, Wade, Walker and York—45.

The following members refused to answer to their names, when the above vote was taken, viz:

Mr. Speaker, Messrs. Abbott, Archer, Buford, Connell, Griffin, Guy, Huie, Maxcy, Moore and Warren.

Mr. Greaves moved that the bill for the apportionment of representatives and senators, be referred to a select committee of 12, one half to be selected from the north, and the other half from the south, with instructions to report a bill fixing the number of representatives at one hundred, and the senators at thirty-three.

Mr. Thompson moved that the house adjourn;

Which was lost.

Mr. Harris called for a division of the question on the above resolution;

Which was decided by the chair as not being susceptible of division, taking the latter clause first.

Mr. Allen moved that the house take a recess until 3 o'clock;

Which was lost.

Mr. Totten then offered the following resolution, as a substitute to the above resolution, viz:

Resolved, That it is the sense of this house, that the representatives in the house be one hundred, and the senators be thirty-three;

Which being accepted, Mr. Greaves was permitted to withdraw his resolution.

The question was then taken on the adoption of the substitute offered by Mr. Totten, and decided in the negative by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Abbott, Archer, Baily, Beene, Berry of Tippah, Binford, Buford, Campbell, Cannon, Chewning, Connell, Cowan, Crain, Cushman, Cypert, Dilworth of Monroe, Dilworth of Tishomingo, Fontaine, Gibbs, Gilleland, Greaves, Green of Tippah, Griffin, Guy, Harrison, Hinds, Hughs, Huie, Hyneman, Kennedy, Leigh, Malone, Maxey, Millsaps, Moore, Potts, Robertson, Singleton, Smyth of Winston, Wade, Walker, Warren and York—45.

Those who voted in the negative, are,

Messrs. Adams, Alcorn, Allen, Beaty, Berry of Simpson, Brooks, Bynum, Chambers, Emanuel, Ewing, Farrar, Foster, Fowles, Frost, Green of Hinds, Harris Head, Holleman, Lemly, Leonard, Loper, Martin, May, McAfee, McCaughan, McDonald, McInnis, McNabb, Metcalf, Moody, Nash, Netterville, North, Pendleton, Pettus, Pope, Randall, Rogers, Rossman, Rushing, Sessions, Sharkey, Simmons, Simrall, Smith of Washington, Spann, Stuart, Thompson, Torry, Weathersby, White and Woodbury—52.

On motion of Mr. Cushman,

The house took a recess until 3 o'clock, p. m.

THREE O'CLOCK, P. M.

The house resumed its session.

Mr. Totten moved that the vote taken on refusing to agree to the report of the committee of the whole on the apportionment bill, be reconsidered;

Much discussion arising thereon,

Mr. McNabb called for the previous question;

Which was sustained.

The question was then taken on Mr. Totten's motion, and decided in the affirmative by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Abbott, Adams, Archer, Berry of Tippah, Binford, Buford, Campbell, Cannon, Chewning, Connell, Crain, Cushman, Cypert, Dilworth of Monroe, Dilworth of Tishemingo, Ewing, Fontaine; Gibbs, Gilleland, Greaves, Green of Tippah, Griffin, Guy; Head, Hinds, Hughs, Huie, Hyneman, Kennedy, Leigh, Maxcy, McCaughan, Metcalf, Millsaps, Moore, Pope, Potts, Robertson, Rossman, Rushing, Singleton, Smyth of Winston, Stuart, Totten, Wade, Walker, Warren, Woodbury and York—49.

Those who voted in the negative, are,

Messrs. Alcorn, Allen, Baily, Beaty, Berry of Simpson, Brooks, Bynum, Carson, Chambers, Emanuel, Farrar, Foster, Fowles, Frost, Green of Hinds, Harris, Harrison, Holleman, Lemly, Leonard, Loper, Martin, May, McAfee, McDonald, McInnis, McNabb, Moody, Nash, Netterville, North, Pendleton, Pettus, Rogers, Sessions, Sharkey, Simmons, Simrall, Smith of Washington, Spann, Thompson, Torrey, Wheathersby and White—44.

Mr. Fontaine moved that the house adjourn until this evening at 7 o'clock;

Which was decided in the affirmative by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Abbott, Archer, Berry of Tippah, Binford, Buford, Campbell, Cannon, Carson, Chambers, Chewning, Connell, Crain, Cushman, Cypert, Dilworth of Monroe, Dilworth of Tishemingo, Fontaine, Gibbs, Gilleland, Greaves, Green of Hinds, Green of Tippah, Griffin, Guy, Harris, Hinds, Hughs, Huie, Hyneman, Kennedy, Leigh, Maxcy, McNabb, Millsaps, Moore, Netterville, Pendleton, Potts, Robertson, Simmons, Smyth of Winston, Spann, Torrey, Totten, Wade, Walker, Warren and York, —48.

Those who voted in the negative, are,

Messrs. Adams, Alcorn, Allen, Baily, Beaty, Berry of Simpson, Brooks, Bynum, Connell, Ewing, Farrar, Foster, Fowles, Frost, Harrison, Head, Holleman, Lemly, Leonard, Loper, Mar-

tin, May, McAfee, McCaughan, McDonald, McInnis, Metcalf, Moody, Nash, North, Pettus, Pope, Rogers, Rossman, Rushing, Sessions, Sharkey, Simrall, Singleton, Smith of Washington, Stuart, Thompson, Weathersby, White and Woodbury—45.

So the house adjourned.

SEVEN O'CLOCK, P. M.

The house met pursuant to adjournment.

Mr. Harrison, by leave, introduced,

A bill, to be entitled,

An act to incorporate the Panola, and Delta charcoal road company;

Which was read the first and second time.

Mr. Griffin offered the following amendment:

Amend the 8th section, by adding "that the legislature shall have the power to alter or change the rate of toll at pleasure, with or without the consent of the company;"

Which was adopted.

On motion of Mr. Emanuel,

The vote just taken on the above amendment, was reconsidered, and Mr. Griffin permitted to withdraw the same.

The rule being suspended, the bill was read the third time, and passed with its title as stated.

On motion of Mr. Walker,

The senate bill entitled,

An act to define the powers and duties of the board of police of Monroe, Chichasaw and Noxubee counties, was called up, read the third time, and passed as amended.

The senate bill entitled,

An act to settle the construction of the 13th section of an act entitled an act to amend the several acts of limitations, approved February 24, 1844;

Was read the first time.

Mr. Thompson moved to lay the bill on the table;

Which was lost.

Mr. Adams asked for a suspension of the rules;

Which was refused.

Mr. Sessions from the standing committee on enrolled bills, made the following report:

Mr. Speaker—The joint standing committee on enrolled bills, have this day presented to his excellency the governor for his approval and signature, bills of the following titles, originating in the senate, viz:

An act to incorporate the Locopolis rail road company;

An act for the relief of W. S. Bailey;

An act to authorize the police court of Claiborne county to erect toll bridges;

An act to incorporate the Vanatta lodge, No. 68, of free and accepted masons, in the town of Raleigh, in Smith county;

An act to incorporate the Lexington library and debating society;

An act to divide the 45th regiment of the Mississippi militia now comprising the militia of Chickasaw county;

An act for the relief of Louisa Williams and her children;

An act to cancel certain payments of taxes therein named, and to require the sheriff of Warren county to collect the same, and for other purposes;

An act for the relief of M. A. Banks of the county of Simpson;

An act providing for the purchase of the book called North on Probate Courts;

An act to amend an act entitled an act to amend an act entitled an act to make valid and confirm the last will and testament of William Wall, of Monroe county, deceased, approved July 26, 1843;

An act to amend an act entitled an act to incorporate the Chuqua-tontia turnpike company;

A memorial to the congress of the United States;

House bills.

An act for the relief of widows and orphans, and for other purposes;

An act to incorporate the town of Greensborough in Choctaw county, and to repeal all other acts incorporating the same;

An act to repeal the 4th section of an act entitled an act to amend an act to incorporate the town of Grenada, in the county of Yalobusha, and for other purposes, approved February 22, 1843;

An act to change the name of Susanna Westly House, and for other purposes;

An act to establish the seat of justice in the county of Issaquena;

An act to authorize the board of police of Green county to levy special taxes, and for other purposes;

An act to declare Mike's or Fishing river, in the county of Hancock, a navigable stream;

An act to secure to the owners of slaves, executed by sentence of law, compensation, for the same;

An act for the benefit of Lucy Dickson, of Hinds county;

An act to authorize the governor of this state, to exchange all laws, reports, and legislative documents, printed by order of the legeslature of this state, for those published in other states;

An act to change the name of Theophilus Pitcher;

An act to authorize the governor of the state of Mississippi to appoint commissioners in other states;

An act to incorporate the town of Enterprize, in the county of Clark;

An act to change the time of holding the probate court, of Franklin county;

An act to incorporate Naomi lodge No. 17, of the independent order of Odd Fellows;

An act to amend the charter of incorporation of the town of Port Gibson;

Preamble and resolutions of the legislature of the state of Mississippi;

A memorial by the legislature of the state of Mississippi to the congress of the United states, requesting the granting of certain overflown lands, in the counties of Adams and Wilkinson, for the purpose of leveeing the same, and for other purposes.

The senate bill entitled,

An act to establish a system of common schools, and for other purposes; was read the first and second time.

On motion of Mr. Sharkey,

Two hundred and fifty copies were ordered to be printed, and the bill made the special order of the day for Monday next, at 11 o'clock, in the committee of the whole.

On motion of Mr. Emanuel,

Resolved, that E. S. Farish, the door-keeper of this house, on account of an affection of his leg, producing lameness, be and he is hereby permitted to substitute in his place, his son Edward Farish, until Monday next.

On motion of Mr. Harris,

The vote taken on refusing to suspend the rule, relative to the reading of a senate bill to settle the construction of the 13th section of an act entitled an act to amend the several acts of limitations &c., was reconsidered; and the bill read the second time.

Mr. Adams moved to amend by striking out all after the enacting clause, and inserting a new bill;

The question was divided, and taken on striking out;

Which was sustained.

Mr. Totten offered the following amendment to the amendment:

Provided, said judgment has been enrolled according to the existing law;

Which was adopted.

The question was then taken on inserting the amendment as amended, and sustained.

On motion of Mr. Totten,

The amendment was considered as engrossed, the bill read the third time, and passed.

Mr. Brooks moved to call No. 177 from the orders of the day;

Which was lost.

A message from the senate by Mr. Wilcox their secretary:

Mr. Speaker—The senate have concurred in the amendment made by the house of representatives, to a bill from the senate,

To be entitled,

An act to incorporate the town of Benton, in the county of Yazoo.

The senate have passed bills from the house of representatives, as follows:

A bill to be entitled,

An act to incorporate the Tilatoba navigation company, and for other purposes;

A bill to be entitled,

An act to incorporate St. Thomas hall, in the town of Holly Springs;

A bill to be entitled,

An act in relation to the reporter of the high court of errors and appeals, and have made an amendment thereto;

In which I am instructed to desire the concurrence of the house of representatives.

A bill to be entitled,

An act to authorize the board of police of Wilkinson county to compromise or dismiss a certain suit;

A bill, to be entitled,

An act to legalize the test of all writs, executions and other legal process in the second judicial district of this state;

And have made an amendment thereto, by way of ryder;

In which I am instructed to desire the concurrence of the house of representatives.

The senate have passed the following bills from the house of representatives:

A bill to be entitled,

An act to change the time of holding the circuit courts in the county of Marshall;

A bill, to be entitled,

An act to reduce the per diem allowance of members of the board of police, probate judges and probate clerks of certain counties therein named;

And have made an amendment thereto;

In which I am instructed to desire the concurrence of the house of representatives.

A bill, to be entitled,

An act to authorize Nancy Gowan, administratrix, to transfer the administration of the estate of Meredith Gowan, deceased, from the probate court of Copiah county, to the probate court of Simpson county;

A bill, to be entitled,

An act supplemental to an act to repeal certain laws in relation to the road hands in Honey Island, in Holmes county, approved Feb. 5th, 1846;

A bill to be entitled,

An act for the relief of James White;

Memorial to congress in relation to removing obstructions between the Mississippi river and the gulf of Mexico;

Resolutions granting leave of absence to the judges of the high court of errors and appeals;

And have made an amendment thereto;

In which I am instructed to desire the concurrence of the house of representatives.

The senate have disagreed to the amendment made by the

house of representatives, to a bill from the senate,

To be entitled,

An act supplemental to an act entitled an act to define the duties and powers of the board of police of Monroe, Chickasaw and Noxubee counties.

The senate have passed the following bill:

A bill, to be entitled,

An act supplementary to an act to establish an inferior court of chancery in the southern part of this state;

A memorial of the legislature of the state of Mississippi to the congress of the United States;

In which I am instructed to desire the concurrence of the house of representatives.

The senate have passed bills from the house of representatives, as follows:

A bill to be entitled,

An act to dispense with the time prescribed by law, for Josephus F. Griffin and Wm. R. Hudnell, of Madison county, attaining the age of majority;

A bill, to be entitled,

An act for the relief of Abner W. Crider, of Copiah county.

The senate bill entitled,

An act to regulate the practice of circuit courts, in criminal cases;

Was read the third time.

Mr. Green of Hinds, moved to lay the bill on the table;

Which was lost.

On motion of Mr. Cushman,

The bill was referred to the judiciary committee.

Mr. Millsaps moved to call 217 from the orders of the day;

Which was lost.

The house bill, entitled,

An act to revive an act to incorporate the Eagle rail road and lumber company;

Was read the third time, and passed with its title as stated.

On motion of Mr. Totten,

The house concurred in the amendment made by the senate, to The house bill, entitled,

An act to legalize the test of all writs, executions and other legal process in the several judicial districts.

On motion of Mr. Cushman,

The house concurred in the amendment made by the senate, to

The house bill, entitled,

An act in relation to the reporter of the high court of errors and appeals.

On motion of Mr. Maxcy,

The house bill, entitled,

An act to authorize the board of police of Noxubee county, to have transcribed into suitable books, certain records;

Was called from the orders of the day, read the second and third time, and passed.

Mr. Millsaps moved to call 217 from the orders of the day;

Which was lost.

The house bill, entitled,

An act to change the time of holding the probate court of Jasper county;

Was read the third time, and passed with its title as stated.

The house bill, entitled,

An act to incorporate Sterling lodge No. 54, of free and accepted masons;

Was read the third time, and passed.

On motion of Mr. Gibbs,

The house bill to reduce the per diem and mileage of the members of the legislature, and other officers therein named, was called from the orders of the day.

On motion of Mr. Gibbs,

The house resolved itself forthwith into committee of the whole on said bill;

Mr. Moore in the chair.

After some time spent therein, the committee rose, reported the bill back to the house without amendment, and recommended its passage;

Which was received.

The question then recurred on agreeing to the report.

Mr. Cushman offered the following amendment to the report:

Strike out the words "its passage," in the last section, and insert the words, "the present session of the legislature," and that

those members who have drawn their per diem, be compelled to to refund.

Before the question was taken,

Mr. Emanuel called for the previous question;

Which was lost.

The question was then taken on the amendment offered by Mr. Cushman, and decided in the affirmative by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Abbott, Adams, Alcorn, Allen, Baily, Beaty, Berry of Simpson, Campbell, Cannon Carson, Chambers, Connell, Cushman, Cypert, Emanuel, Ewing, Fontaine, Foster, Fowles, Gibbs, Gilleland, Greaves, Green of Hinds, Green of Tippah, Griffin, Guy, Harris, Harrison, Head, Hinds, Hughs, Huie, Hyneman, Kennedy, Leigh, Leonard, Maxcy, May, McCaughan, McDonald, McInnis, Moody, Moore, North, Netterville, Pendleton, Pettus, Pope, Potts, Randall, Robertson, Rogers, Rushing, Sessions, Simrall, Singleton, Smith of Washington, Stuart, Thompson, Torrey, Weathersby and White—63.

Those who voted in the negative are,

Messrs. Berry of Tippah, Brooks, Buford, Bynum, Chewning, Crain, Dilworth of Monroe Dilworth of Tishemingo, Farrar, Lemly, Sharkey, Simmons, Smyth of Winston, Totten, Wade, Walker, Warren and York—18.

The question was then taken on agreeing to the report of the committee of the whole, as amended, and decided in the affirmative.

Mr. Emanuel called for the previous question;

Which was lost.

Mr. Farrar moved that the bill be indefinitely postponed;

Which was decided in the affirmative by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Alcorn Allen, Baily, Beaty, Berry of Simpson, Brooks, Buford, Bynum, Campbell, Carson, Chambers, Chewning, Crain, Dilworth of Monroe, Farrar, Fontaine, Foster, Fowles, Gilleland, Greaves, Griffin, Guy, Harris, Harrison, Head, Huie, Hyneman, Lemly, Maxcy, May, Moody, Moore, Nash, Netterville, Robertson,

Rossman, Sessions, Sharkey, Simmons, Singleton, Stuart, Thompson Torrey, Wade, Warren and White—46.

Those who voted in the negative, are,

Messrs. Abbott, Adams, Berry of Tippah, Cannon, Connell, Cushman, Cypert, Dilworth of Tishemingo, Emanuel, Ewing, Gibbs, Green of Hinds, Hughs, Kennedy, Leigh, Leonard, McCaughan, McInnis Millsaps, Pendleton, Pettus, Pope, Potts, Randall, Rogers, Rushing, Simrall, Smith of Washington, Smyth of Winston, Totten, Walker, Weathersby and York—33.

On motion of Mr. Harris,

The house adjourned.

THURSDAY, February 19, 1846.

The house met pursuant to adjournment;

And was called to order by the clerk.

Mr. Totten offered the following preamble and resolution:

Whereas, the hon. James Whitfield, speaker of the house of representatives, is unable to discharge the duties of presiding officer of this house, by reason of indisposition; and whereas, James W. Wade, a member of this house, has been requested by the speaker to discharge the duties of presiding officer of this house until the speaker is able to resume his duties, therefore,

Resolved, That this house approve thereof, and join in said request,

Which was adopted.

On motion of Mr. Gibbs,

The call of the counties was dispensed with.

Mr. Gibbs, from the standing committee on ways and means, to whom was referred

A bill, to be entitled,

An act, to change the mode of collecting revenue of hawkers and pedlars, reported the same back to the house without amendment, and recommended its passage;

Which was received and agreed to, the bill read the third time, and passed with its title as stated.

Mr. Warren, from the committe on county boundaries, to whom was referred the petition of sundry citizens of Attala county, re-

ported, that it is inexpedient to grant the prayer of the petitioners;

Which was received and agreed to.

Mr. Sessions, from the joint standing committee on enrolled bills, reported, that they have examined,

An act, for the benefit of the children of William Martin, of Claiborne county;

An act, to settle the construction of the 13th section of an act entitled an act to amend the several acts of limitation, approved February 24, 1844.

And have found the same correctly enrolled.

The following message was received from the senate, by Mr. Wilcox, their secretary:

The senate have passed the following bills from the house of representatives:

A bill, to be entitled,

An act, to incorporate Sterling lodge, No. 54, of free and accepted masons;

A bill, to be entitled,

An act, to change the time of holding the probate court in the county of Jasper;

A bill, to be entitled,

An act, to remove the civil disabilities of James Y. George, a minor of Carroll county;

A bill to be entitled,

An act, for the benefit of Thos. G. Hill, a minor;

A bill to be entitled,

An act, to authorize the board of police of Noxubee county to have transcribed into suitable books, certain records;

A bill to be entitled,

An act, to authorize the commissioner of the sinking fund to make compromises with the debtors thereof;

A resolution, granting leave of absence to A. B. Dawson;

A bill to be entitled,

An act, to increase the fees of certain officers in Tunica county;

A bill to be entitled,

An act, giving power to the circuit and chancery courts to legitamatize bastard children, alter or change names, and for other purposes;

A bill to be entitled,

An act, to attach the county of Noxubee to the 4th judicial district of this state, and for other purposes;

And have made an amendment thereto;

In which I am instructed to desire the concurrence of the house of representatives.

The senate have concurred in the amendment made by the house of representatives to a bill from the senate, entitled,

An act, to settle the construction of the 13th section of an act entitled an act to reduce into one the several acts of limitation, approved Feb. 24, 1844.

The senate have passed the following bills:

A bill, to be entitled,

An act, relating to a wharf and landing in the city of Vicksburg;

A bill, to be entitled,

An act, for the relief and benefit of the Columbus riflemen;

In which I am instructed to desire the concurrence of the house of representatives.

Mr. Warren, from the committee on county boundaries, to whom was referred,

A bill, to be entitled,

An act, to annex a certain portion of the territory of the county of Issaquena to the county of Yazoo, reported the same back to the house, and recommended that it would be inexpedient to pass the bill;

Which was received.

The question was then taken on agreeing to the report, and decided in the affirmative.

Mr. Warren, from the committee on county boundaries, to whom was referred the petition of sundry citizens of Wilkinson county, reported

A bill, to be entitled,

An act, to amend an act to define the boundaries of the several counties in this state, passed 29th of June, 1822;

Which was read the first time, and the report received and agreed to.

Mr. McDonald presented a memorial to the congress of the United States;

Which was read three several times forthwith and passed.

Mr. North, from the select committee to whom was referred:

A bill to be entitled,

An act, to amend the laws of this state in relation to unlawful and forcible entry and detainer, reported the same back to the house with sundry amendments thereto;

Which was received and agreed to, the bill read the third time, and passed as amended.

Mr. Lemly, from the committee to whom was referred the petition and remonstrance of sundry citizens of Smith county, relative to increasing the special tax of said county, reported that it is inexpedient to grant the prayer of the petitioners;

Which was received and agreed to.

A message from the senate, by Mr. Wilcox, their secretary:

Mr. Speakar—The president of the senate has signed acts originating in the senate of the following titles:

An act, for the benefit of the children of William Martin, of Claiborne county;

An act, to settle the construction of the 13th section of an act entitled an act to amend the several acts of limitation, approved February 24, 1844;

Which I am instructed to present to the speaker of the house for the signature of the speaker.

The senate have passed the following bills from the house of representatives:

A bill to be entitled,

An act, amendatory of an act to repeal the acts heretofore passed, incorporating the city of Jackson, and to define the boundaries and re-incorporate said city, approved 22nd Feb., 1844;

A bill, to be entitled,

An act, to amend the laws of this state in relation to bail in criminal cases;

A bill to be entitled,

An act, to repeal an act to prohibit the introduction of slaves into this state as merchandize, or for sale, approved May 13, 1837;

And have made an amendment thereto;

In which I am instructed to desire the concurrence of the house of represenatives.

On motion of Mr. Smith of Washington,

The bill, entitled,

An act to repeal the 8th section of an act entitled an act for the suppression of tippling houses, and to discourage and prevent the odious vice of drunkenness,

Was called from the orders of the day, read the third time, and passed,

On motion of Mr. Cannon,

The revenue bill was made the special order of the day for committee of the whole on Monday next at 10 o'clock.

On motion of Mr. Green of Tippah,

The house concurred in the amendment made by the senate to the house bill entitled,

An act, to attach the county of Noxubee to the 4th judicial district of this state, &c.

On motion of Mr. Gilleland,

The house concurred in the amendment made by the senate to a resolution from the house, granting leave of absence to the judges of the high court of errors and appeals.

On motion of Mr. Cannon,

The house concurred in the amendment made by the senate to the house bill entitled,

An act, to reduce the per diem allowance of members of the board of police, probate judges and probate clerks of certain counties therein named.

The senate bill, entitled,

An act, relating to the wharf and landing in the city of Vicksburg,

Was read the first and second time, and,

On motion of Mr. Emanuel,

Laid on the table.

The senate memorial to the congress of the United States,

Was read three several times and passed.

The senate bill entitled,

An act, for the benefit and relief of the Columbus riflemen,

Was read three several times, and passed with its title as stated.

The senate bill, entitled,

An act, supplementary to an act entitled an act to establish an inferior court of chancery in the southern part of this state,

Was read the first time.

On motion of Mr. Moore,

The house receded from their amendments to

A senate bill, entitled,

An act, supplemental to an act entitled an act to define the powers and duties of the board of police of Monroe, Chickasaw and Noxubee counties.

On motion of Mr. Connell,

the house concurred in the amendments made by the senate to the house bill entitled,

An act, to repeal an act to prohibit the introduction of slaves into this state as merchandise, or for sale, approved May 13, 1837.

The resolution from the senate, relative to the adjournment of the legislature on the 2nd day of March next, was taken up.

On motion of Mr. Allen,

The consideration of the resolution was postponed until Monday next.

The resolution from the senate, relative to the prohibiting of the introduction of bills or resolutions into either house, after the 21st of February, inst., unless by the consent of three-fourths of the members of the house in which said bill or resolution is introduced, was considered.

Mr. Lemly moved to postpone the further consideration of the subject until Monday next;

Which was sustained.

The unfinished business, viz: the apportionment bill, was taken up.

On motion of Mr. Greaves,

Resolved, That the subject of the apportionment of representatives and senators in this state be referred to a select committee of 12, the one half to be selected from the northern portion, and the other half from the southern and eastern portion of the state, and that they report by bill, making said apportionment as soon as possible.

The chair appointed Messrs. Greaves, Binford, Moore of Monroe, Dilworth of Tishemingo, Maxcy, Harris, Pettus, Guy, Smith of Washington, Farrar, Weathersby and Campbell.

The house resolved itself into committee of the whole on its special order to be entitled,

An act, to abolish securities in this state;

Mr. Cushman in the chair.

After some time spent therein, the committee rose, reported the bill back to the house with an amendment thereto, and recommended that it do not pass;

Which was received.

Mr. Adams moved to amend the report of the committee by striking out the words "do not pass," and insert, "that it do pass;"

Which was lost.

The question was then taken on agreeing to the report of the committee, and decided in the affirmative by yeas and nays as follows:

Those who voted in the affirmative are,

Messrs. Allen, Archer, Baily, Beaty, Beene, Binford, Bynum, Campbell, Cannon, Connell, Cowan, Crain, Cushman, Dilworth of Monroe, Dilworth of Tishemingo, Farrar, Fontaine, Foster, Fowles, Gibbs, Green of Hinds, Green of Tippah, Griffin, Guy, Harrison, Hinds, Holleman, Huie, Hyneman, Kennedy, Leigh, Loper, Martin, McAfee, McInnis, McNabb, Metcalf, Millsaps, Moody, Moore, Nash, Netterville, Pendleton, Pettus, Pope, Potts, Robertson, Sharkey, Simmons, Singleton, Smyth of Winston, Spann, Totten, Walker, White and York—56

Those who voted in the negative, are,

Messrs. Adams, Berry of Simpson, Brooks, Bufurd, Carson, Chambers, Chewning, Cypert, Ewing, Frost, Gilleland, Greaves, Lemly, Leonard, Maxcy, McCaughan, McDonald, Randall, Rogers, Rushing, Sessions, Smith of Washington, Torrey and Wade —25.

On motion of Mr. Connell,

Resolved, That the committee on the apportionment bill be, and they are hereby instructed to report on to-morrow morning, if possible, or at as early a time as practicable.

On motion of Mr. Smyth of Winston,

The house adjourned until half past 3 o'clock, p. m.

HALF PAST THREE O'CLOCK, P. M.

The house met pursuant to adjournment.

The following message was received from the senate, by Mr. Wilcox, their secretary.

MR. SPEAKER—The senate have passed the following bills:

A bill, to be entitled,

An act, to amend an act entitled an act to incorporate the town of Aberdeen, in the county of Monroe, approved May 12, 1837;

A resolution, directing the auditor of public accounts to issue a warrant to Henry Dickerson for his salary;

In which I am instructed to desire the concurrence of the house of representatives.

The senate have passed the following bills from the house of Representatives:

A bill, to be entitled,

An act, to incorporate the Panola and Delta charcoal road company;

A bill, to be entitled,

An act, to incorporate the Panola and Delta rail road company;

A bill, to be entitled,

An act, to provide for the erection of levees on the Mississippi river, in Warren county;

And have made an amendment thereto;

In which I am instructed to desire the concurrence of the house of representatives.

The senate resolution, relative to the auditor of public accounts issuing a certain warrant in favor of Mr. Dickerson, vice chancellor,

Was read three several times and passed.

On motion of Mr. Sharkey,

The house concurred in the amendment made by the senate to a house bill entitled,

An act, to provide for erecting of levees on the banks of the Mississippi river, in Warren county.

A message from his excellency, the governor, by Mr. Nicholson, his private secretary:

MR. SPEAKER—His excellency, the governor, has this day approved and signed bills, which originated in the house of representatives, of the following titles:

An act, to incorporate Naomi lodge, No 17, of the independent order of odd fellows;

An act, to authorize the governor of this state to exchange all laws, reports and legislative documents, printed by order of the le-

gislature of this state for those published in other states;

An act, to authorize the governor of the state of Mississippi to appoint commissioners in other states;

An act, for the relief of widows and orphans, and for other purposes;

An act, to change the name of Theophilus Pitcher;

An act, to change the name of Susanna Westly House, and for other purposes;

An act, for the benefit of Lucy Dickson, of Hinds county;

An act, to secure the owners of slaves executed by sentence of law, compensation for the same;

An act, to amend the charter of incorporation of the town of Port Gibson;

An act, to authorize the board of police of Green county to levy special taxes, and for other purposes;

An act to incorporate the town of Enterprize in the county of Clarke;

An act, to change the time of holding the probate court of Franklin county;

An act, to incorporate the town of Greensboro', in Choctaw county, and to repeal all other acts incorporating the same;

An act, to repeal the 4th section of an act entitled, an act to amend an act to incorporate the town of Grenada, in Yalobusha county, and for other purposes;

An act, to declare Mike's or Fishing river, in the county of Hancock, a navigable stream;

An act, to establish the seat of justice in Issaquena county;

Preamble and resolutions of the legislature of the state of Mississippi;

A memorial by the legislature of the state of Mississippi to the congress of the United states, requesting the grauting of certain overflown lands in the counties of Adams and Wilkinson, for the purpose of levying the same, and for other purposes.

Approved the 18th Feb., 1846.

The senate bill, entitled,

An act, to amend an act entitled an act to incorporate the town of Aberdeen, in the county of Monroe, approved May 12, 1837,

Was read three several times, and passed with its title as stated.

The special order, viz:

The senate bill, entitled,

An act, to repeal an act to prevent the sacrifice of real estate, sold under executions, decrees in chaneery and deeds of trust;

Was read the third time.

The question then recurred on the passage of the bill.

On motion of Mr. Fontaine,

A call of the house was had.

On motion of Mr. Cushman,

The further call of the house was suspended.

Mr. Alcorn offered the following amendment by way of ryder:

Provided, however, That this act shall not be so construed as to affect the rights of redemption of any lands that may be sold under executions which may be levied at the passage of this act;

Which was read the first time.

Mr. Fontaine asked for a suspension of the rules;

Which was refused.

Mr. Kennedy moved to lay the bill and ryder on the table;

Which was decided in the affirmative by yeas and nays as follows;

Those who voted in the affirmative, are,

Messrs. Alcorn, Allen, Archer, Beaty, Berry of Simpson, Binford, Buford, Bynum, Cannon, Chambers, Chewning, Connell, Cowan, Crain, Cypert, Dilworth, of Tishemingo, Emanuel, Farrar, Foster, Gibbs, Green of Hinds, Green of Tippah, Griffin, Guy, Harrison, Hinds, Holleman, Hyneman, Kennedy, Leigh, Lemley, Leonard, Loper, Martin, May, McAfee, McCaughan, McDonald, McInnis, McNabb, Metcalf, Moody, Moore, Nash, Pope, Potts, Robertson, Rossman, Rushing, Sessions, Simmons, Singleton, Smith of Washington, Smyth of Winston, Thompson, Torrey, Wade, Walker, Weathersby, White and York—62.

Those who voted in the negative are,

Messrs. Adams, Brooks, Campbell, Cushman, Fontaine, Fowles, Frost, Greaves, Harris, Huie, Maxcy, Millsaps, Netterville Pendleton, Pettus, Sharkey, Simrall and Totten—18.

Mr. Farrar moved to call up the southern rail road bill.

There being some objections made,

Mr. Farrar rose to a point of order, stating that a senate bill made a special order, has precedence of house bills;

Which point was sustained by the chair.

The house resolved itself into committee of the whole on its special order, to incorporate the southern rail road company,

Mr. Alcorn in the chair.

After some time spent therein, the committee rose, reported progress, asked and obtained leave to sit again at eleven o'clock, tomorrow.

Mr. Allen gave notice that he would move a reconsideration of the vote on the agreement of the report of the committee of the whole on a bill to abolish securities in this state, and for other purposes.

Mr. Totten moved that the house adjourn;

Which was lost.

Mr. Sessions, from the joint standing committee on enrolled bills, made the following report:

Mr. Speaker—The joint standing committee on enrolled bills, have this day examined bills of the following titles:

An act, to amend the laws of this state in relation to bail in criminal cases;

An act, in relation to the reporter of the high court of errors and appeals;

An act, for the relief of Abner Cryder, of Copiah county;

An act, to incorporate Tappan lodge, No. 59, of free and accepted masons;

An act, for the relief of James White;

An act, to increase the fees of certain officers in Tunica county;

An act, to authorize the board of police of Wilkinson county to compromise or dismiss a certain suit;

An act, to remove the civil disabilities of James Z. George, minor of Carroll county;

An act, to change the time of holding the circuit courts in the county of Marshall;

An act, to incorporate St. Thomas hall, in the town of Holly Springs;

An act, to change the time of holding the probate court in the county of Jasper;

An act, to authorize Nancy Gowan, administratrix, to transfer the administration of the estate of Meridith Gowan, deceased, from

the probate court of Copiah county, to the probate court of Simpson county;

An act, to incorporate the Tillatoba navigation company, and for other purposes;

An act, supplemental to an act, to repeal certain laws in relation to the road hands on Honey island, in Holmes county, approved Feb. 5, 1846;

An act, to legalize the test of all writs, executions and other legal process, in the several judicial districts of this state;

An act, to dispense with the time prescribed by law for Josephus F. Griffin and William R. Hudnell, of Madison county, attaining the age of majority;

An act, for the benefit of Tho. G. Hill, a minor;

An act, amendatory of an act to repeal the acts heretofore passed, incorporating the city of Jackson, and to define the boundaries and re-incorporate said city, approved 22nd February, 1840;

A resolution, granting leave of absence to A. B. Dawson;

Memorial to congress, in relation to removing the obstructions between the Mississippi river and the gulf of Mexico;

An act, to attach the county of Noxubee to the 4th judicial district of this state, and for other purposes;

Resolution, granting leave of absence to the judges of the high court of errors and appeals;

And have found the same correctly enrolled.

Mr. Adams offered the following resolution:

Resolved, That the committee of twelve, raised by resolution of this house, to report a bill to apportion the representation of this state, shall be appointed by ballot.

Mr. Speaker Wade vacated the chair for the purpose of explaining his position in the appointment of the committee.

After considerable discussion on the above resolution,

Mr. Adams was permitted to withdraw the same.

Mr. Totten moved that the house adjourn;

Which motion he withdrew.

Mr. Binford moved to reconsider the vote on adopting the resolution of Mr. Greaves, appointing a committee of twelve.

Pending the above motion, the house,

On motion of Mr. Allen,

Adjourned.

FRIDAY MORNING, February 20, 1846.

The House met pursuant to adjournment;

And its deliberations were opened with prayer by the Rev. S. J. Halsey, of Jackson.

Mr. Spann, by leave, presented the petition of J. W. Fite;

Which was referred to the committee on propositions and greivances.

Mr. Berry of Simpson, from the select committee to whom was referred the petition of Laban B. Harper, reported,

A bill, to be entitled,

An act, to remove the civil disabilities of Laban B. Harper, minor of Simpson county;

Which was read the first time, and the report received and agreed to.

On motion of Mr. Berry,

The rule was suspended, the bill read the second and third time, and passed with its title as stated.

Mr. Buford, by leave, introduced,

A bill to be entitled,

An act, to prescribe the duties of the different treasurers of the counties of this state;

Which was read the first and second time, and referred to the judiciary committee.

Mr. Simrall, by leave, introduced,

A bill to be entitled,

An act, to change the name of Abbey James Coffin and Samuel Thompson Coffin;

Which was read three several times, and passed with its title as stated.

Mr. McAfee, by leave, introduced,

A bill to be entitled,

An act, to change the name of Berry Lafayette Blackwell, to Berry Lafayette Flowers;

Which was read three several times, and passed with its title as stated.

Mr. McCaughan, by leave, introduced,

A bill, to be entitled,

An act, to improve the navigation of Pearl river, near Holmes' Bayou;

Which was read the first and second time, and referred to the committee of the whole, and made the special order of the day for Tuesday next.

On motion of Mr. Totten,

The bill entitled,

An act, amendatory of an act to authorize appeals from justices of the peace to the circuit courts,

Was called from the orders of the day, read the third time, and passed with its title as stated.

Mr. Randall, by leave, introduced,

A bill to be entitled,

An act, explanatory of an act, providing for the licensing billiard tables, approved February 23d, 1843;

Which was read the first time, and,

On motion of Mr. McCaughan,

The bill was rejected.

On motion of Mr. Bynum,

The bill entitled,

An act, better to provide for assessing and collecting taxes in certain counties therein named, and for other purposes,

Was called from the orders of the day, and read the third time and passed with its title as stated.

Mr. Metcalf, by leave, introduced

A resolution authorizing the secretary of state to purchase Howard and Hutchison's Digest, for the use of certain counties not supplied with the same;

Which was read the first and second time.

On motion of Mr. Metcalf,

The resolution was made the special order of the day for committee of the whole on Wednesday next.

Mr. McCaughan offered the following resolution:

Resolved, The senate concurring, that the joint standing committee on internal improvement be instructed to report a bill to this house, providing for the appropriation of the whole of the 500,000 acres of land, granted to this state for purposes of internal improvement, so as to paovide a fair proportion of said lands for levying the Mississippi river, another portion of said lands to be appropria-

ted to making a good turnpike road from the northern part of this state, through Jackson, to some central suitable point of the state on the gulf of Mexico; other portions of said lands to be appropriated to the improvement of the various rivers and roads of the greatest utility and importance, so that the proceeds of said land shall be as equally distributed over the state as can be done consistent with all the great interests of the same;

Which was read the first time.

Mr. McCaughan moved that the rule requiring joint resolutions to lay one day on the table be dispensed with;

Which was lost,

A message from the senate:

Mr. Speaker—The senate have passed the following bills:

A bill to be entitled,

An act, for the benefit of James Moore;

A bill to be entitled,

An act, to incorporate the town of Paulding, in Jasper county;

A bill, to be entitled,

An act, to incorporate the Holmesville turnpike company;

A bill to be entitled,

An act, to repeal the fifth section of an act entitled an act for the more perfect organization of the superior court of chancery;

A bill, to be entitled,

An act, to regulate the practice of the circuit courts of this state in criminal cases, with an amendment;

In which I am instructed to desire the concurrence of the house of representatives.

The senate have passed from the house of representatives,

A memorial, to the congress of the United States, providing for setting apart other lands for the use of schools, in lieu of the 16th sections in different townships, disposed of to certain Choctaw Indians under the treaty of Dancing Rabit creek.

Mr. Sessions, from the joint standing committee on enrolled bills, made the following report:

Mr. Speaker—The joint standing committee on enrolled bills have this day examined,

An act, to incorporate sterling lodge, No. 54, of free and accepted masons;

An act, to authorize the board of police of Noxubee county to

have transcribed in suitable books, certain records in said county;

An act, to reduce the per diem allowance of members of the board of police, probate judges and probate clerks in certain counties therein named;

An act, to authorize the commissioner of the sinking fund to make compromises with the debtors thereof;

An act, giving power to the circuit and chancery courts to legitimatise bastard children, alter or change names, and for other purposes;

An act, to repeal an act to prohibit the introduction of slaves into this state as merchandise, or for sale, approved May 13, 1837;

A memorial of the legislature of the state of Mississippi, to the congress of the United States;

An act, to incorporate the town of Benton, in Yazoo county;

An act, for the benefit and relief of the Columbus riflemen;

An act, supplemental to an act to define the powers and duties of the board of police of Monroe, Chickasaw and Noxubee counties;

And have found the same correctly enrolled.

Mr. Simrall, by leave, introduced,

A bill, to be entitled,

An act, for the relief of Curtis Crawford, of Wilkinson county;

Which was read three several times and passed.

A message from the senate:

Mr. Speaker—The president of the senate has signed acts originating in the senate as follows:

An act, for the benefit and relief of the Columbus riflemen;

An act, supplemental to an act entitled, an act to define the duties and powers of the board of police of Monroe, Chickasaw and Noxubee counties;

An act, to incorporate the town of Benton, in Yazoo county;

A memorial of the legislature of the state of Mississippi, to the congress of the United States;

Which I am instructed to present to the speaker of the house for his signature.

Also, the following acts, originating in the house of representatives:

An act, to dispense with the time prescribed by law for Jose-

phus F. Griffin and William R. Hudnall, of Madison county, attaining the age of majority;

An act, to authorize Nancy Gowan, administratrix, to transfer the administration of the estate of Meridith Gowan, deceased, from the probate court of Copiah county to the probate court of Simpson county;

An act, to legalize the test of all writs, executions, and all other legal process in the second judicial district of this state;

An act, to authorize the board of police of Wilkinson county to compromise or dismiss a certain suit;

An act, for the benefit of Thos. G. Hill, a minor;

An act, to attach the county of Noxubee to the 4th judicial district of this state, and for other purposes;

An act, to remove the civil disabilities of James Z. George, minor of Carroll county;

An act, to amend the laws of this state in relation to bail in criminal cases;

An act, to incorporate the Tillatoba navigation company, and for other purposes;

Resolutions, granting leave of absence to the judges of the high court of errors and appeals.

The senate have passed the following bills from the house of representatives:

A bill to be entitled,

An act, to revise an act to incorporate the Eagle rail road and lumber company;

A bill to be entitled,

An act, for the relief of Elisha Fox;

And have made an amendment thereto;

In which I am instructed to desire the concurrence of the house of representatives.

A bill to be entitled,

An act, better to provide for assessing and collecting taxes in certain counties therein named, and for other purposes;

An act, to increase the fees of certain officers in Tunica county;

An act, to incorporate St. Thomas hall in the town of Holly Springs;

An act, supplemental to an act to repeal certain laws in rela-

tion to the road hands on Honey Island, in Holmes county, approved 5th Feb., 1846;

A resolution, granting leave of absence to A. B. Dawson;

An act, for the relief of Abner W. Crider, of Copiah county;

An act, amendatory of an act to repeal the acts heretofore passed, incorporating the city of Jackson, and to define the boundaries and re-incorporate said city, approved Feb. 22, 1840;

An act, to incorporate Tappan lodge, No. 59, of free and accepted masons;

Memorial to Congress, in relation to removing obstructions between the Mississippi river and the gulf of Mexico;

An act, for the relief of James White;

An act, in relation to the reporter of the high court of errors and appeals;

An act, to change the time of holding the probate court in the county of Jasper;

An act, to change the time of holding the Circuit Court in the county of Marshall.

The senate have passed the following bills from the house of representatives:

A bill to be entitled,

An act, to change the names of Abbey Jane Coffin and Samuel Thompson Coffin;

A bill to be entitled,

An act, to remove the civil disabilities of Laban B. Harper, minor of Simpson county;

A bill to be entitled,

An act, to change the name of Berry Lafayette Blackwell, to Berry Lafayette Flowers;

A bill to be entitled,

An act, to incorporate the Sharon female college, in the town of Sharon, in Madison county;

A bill to be entitled,

An act, for the relief of Curtis Crawford, of Wilkinson county.

The senate have passed the following bills

A bill to be entitled,

An act, declaring Bayou Tippah, a navigable stream;

A bill to be entitled,

An act, to establish at the city of Jackson, a vaccine depot and

agency for the state, with the view of the prevention of small pox;

A bill to be entitled,

An act, for the construction and repairing of levees in the county of Issaquena;

A bill to be entitled,

An act, to repeal a part of an act entitled an act to attach a part of Perry county to the county of Harrison, approved January 24, 1844;

A bill to be entitled,

An act, to define the duties of county surveyors in the state, and to fix their fees;

A bill to be entitled,

An act, to establish and to carry into operation a state lunatic hospital in the city of Jackson;

Resolution, granting leave of absence to Henry Dickerson;

Mr. Singleton, by leave, introduced

A bill, to be entitled,

An act, to incorporate the Sharon female college, in the town of Sharon, Madison county;

Which was read three several times and passed.

Mr. McInnis, by leave, introduced

A bill, to be entitled,

An act, prohibiting the license of certain ferries upon the Chickasaha river in Green county;

Which was read the first and second time.

Mr. Moody moved to refer the bill to a select committee of three;

Which was lost.

On motion of Mr. McInnis,

The rule was suspended, the bill read the third time and passed.

Mr. Harris, asked to be excused from serving on the select committee of 12, on the apportionment bill.

The chair stated that it would be unnecessary to excuse the gentleman until the question pending last evening be taken on the motion to reconsider the vote on adopting the resolution raising the committee.

The question was then taken on the motion to reconsider, and decided in the negative by yeas and nays as follows:

Those who voted in the affirmative, are:

Messrs. Adams, Binford, Campbell, Cushman, Dilworth of Tishemingo, Farrar, Fowlkes, Frost, Gaines, Guy, Moore, Pittsville, Pettus, Simrall, Weathersby and White—19.

Those who voted in the negative, are,

Messrs. Alcorn, Allen, Archer, Bailey, Beaty, Beene, Berry of Simpson, Berry of Tippah, Brooks, Buford, Byhum, Campbell, Chambers, Connell, Cowan, Crain, Cuppert, Dilworth of Monroe, Emanuel, Foster, Gilreland, Green of Hinds, Green of Tippah, Griffin, Harris, Harrison, Hinds, Holloman, Hughes, Hume, Hunneman, Kennedy, Leigh, Lemly, Leonard, Loper, Martin, Maxcy, May, McAfee, McCaughan, McDonald, McLaurin, McNabb, Metcalf, Millsaps, Moody, Nash, Pendleton, Pope, Potts, Randall, Robertson, Rogers, Rossman, Rushing, Sessions, Sharkey, Simmons, Singleton, Smyth of Winston, Spann, Stuart, Thompson, Torrey, Totten, Walker, Warren, Woodbury and York—70.

The question was then taken on the motion of Mr. Harris to be excused;

Which was sustained.

On motion of Mr. Connell,

Mr. Sharkey was requested to fill his place.

The senate resolution, granting leave of absence to Henry Dickerson,

Was read three several times and passed.

The senate bill entitled,

An act, to repeal the 5th section of an act entitled an act for the more perfect organization of the superior court of chancery,

Was read the first and second time, and,

On motion of Mr. McAfee,

Referred to the committee on the judiciary.

The senate bill entitled,

An act, to incorporate the town of Paulding, in Jasper county,

Was read three several times, and passed with its title as stated.

The senate bill entitled,

An act, for the benefit of James Moore,

Was read three several times and passed.

The senate bill, entitled,

An act, to regulate the practice of circuit courts in certain cases,

Was read the first and second time.

On motion of Mr. Smith of Washington,

The bill was made the special order of the day for committee of the whole on Saturday next.

The senate bill, entitled,

An act, to incorporate the Holmesville turnpike company,

Was read three several times, and passed with its title as stated.

The house resolved itself into committee of the whole on the senate bill entitled,

An act, to incorporate the southern rail road company,

Mr. Alcorn in the chair.

After some time spent therein, the committee rose, reported progress, and obtained leave to sit again at 3 o'clock, p. m.

On motion of Mr. Moody,

The house adjourned until 3 o'clock, p. m.

3 o'clock p. m.

The house met pursuant to adjournment,

And resumed the consideration of its special order, in committee of the whole,

Mr. Alcorn in the chair.

After some time spent therein, the committee rose, reported the bill back to the house without amendment, and recommended its passage;

Which was received.

Mr. Totten offered the following amendment to the report:

Amend section 2, line 3, at the end of the word "state," add, "and shall begin at the point where said road shall meet the Vicksburg and Jackson rail road, and proceed eastwardly;"

Which was lost by yeas and nays as follows:

Those who voted in the affirmative, are,

Messrs. Archer, Beene, Berry of Tippah, Campbell, Cannon, Connell, Cowan, Cushman, Dilworth of Monroe, Gibbs, Green of Tippah, Hinds, Harrison, Huie, Hyneman, Kennedy, Leigh, Millsaps, Potts, Robertson, Rushing, Totten, Walker, Warren and York—25.

Those who voted in the negative, are,

Messrs. Adams, Alcorn, Allen, Baily, Beaty, Berry of Simpson, Brooks, Buford, Bynum, Carson, Chambers, Chewning, Crain,

Cypert, Emanuel, Ewing, Farrar, Foster, Fowles, Frost, Gilleland, Green of Hinds, Harris, Head, Holleman, Hughes, Lemly, Leonard, Loper, Martin, Maxcy, May, McAfee, McCaughan, McDonald, McInnis, Metcalf, McNabb, Moody, Nash, Netterville, North, Pendleton, Pettus, Pope, Rogers, Rossman, Sessions, Sharkey, Simmons, Simrall, Singleton, Smith of Washington, Spann, Stuart, Thompson, Torrey, Wade, Weathersby and White—61.

Mr. Totten, offered the following amendment to the report:

Amend section 2, line 4. Strike out all after the word "appropriated," and insert that said road shall begin at Brandon and proceed eastwardly and shall complete said road as it progresses.

Which was lost by yeas and nays as follows:

Those who voted in the affirmative, are,

Messrs. Archer, Beene, Berry of Tippah, Buford, Cannon, Campbell, Chewning, Connell, Cowan, Cushman, Cypert, Dilworth of Monroe, Fontaine, Gibbs, Greene of Hinds, Green of Tippah, Harrison, Hinds, Hughs, Hnie, Hyneman, Kennedy, Leigh, Millsaps, Pope, Potts, Robertson, Rushing, Smyth of Winston, Totten, Walker, Warren and York—33.

Those who voted in the negative, are,

Messrs. Adams, Alcorn, Allen, Bailey, Beaty, Berry of Simpson, Brooks, Bynum, Carson, Chambers, Crain, Emanuel, Ewing, Farrar, Foster, Fowles, Frost, Gilleland, Harris, Head, Holleman, Lemly, Leonard, Loper, Martin, Maxcy, May, McAfee, McCaughan, McDonald, McInnis, McNabb, Metcalf, Moody, Nash, Netterville, North, Pendleton, Pettus, Rogers, Rossman, Sessions, Sharkey, Simmons, Simrall, Singleton, Smith of Washington, Spann, Stuart, Thompson, Torrey, Wade, Weathersby and White—54.

Mr. Kennedy offered the following amendment to the report:

Strike out the word "either," in the 3d section, line 12, and all after the word "cash," in the same line, to the word "to," in line 13.

On motion of Mr. York,

A call of the house was had.

On motion of Mr. Gilleland,

The call was suspended.

The question was then taken on the adoption of the amendment, and decided in the negative by yeas and nays as follows:

Those who voted in the affirmative, are,

Messrs. Alcorn, Archer, Baily, Beene, Berry of Tippah, Binford, Buford, Campbell, Cannon, Chewning, Connell, Cowan, Cushman, Cypert, Dilworth of Monroe, Dilworth of Tishemingo, Fontaine, Gibbs, Gilleland, Green of Hinds, Green of Tippah, Griffin, Guy, Harrison, Hinds, Hughes, Huie, Hyneman, Kennedy, Leigh, Maxcy, Millsaps, Moore, Nash, Pope, Potts, Robertson, Rushing, Smyth of Winston, Spann, Torrey, Totten, Walker, Warren and York—45.

Those who voted in the negative, are,

Messrs. Adams, Allen, Beaty, Berry of Simpson, Brooks, Bynum, Carson, Chambers, Crain, Emanuel, Ewing, Farrar, Foster, Fowles, Frost, Greaves, Harris, Head, Holleman, Lemly, Leoard, Loper, Martin, May, McAfee, McCaughan, McDonald, McInnis, McNabb, Metcalf, Moody, Netterville, North, Pendleton, Pettus, Randall, Rogers, Rossman, Sessions, Sharkey, Simmons, Simrall, Singleton, Smith of Washington, Stuart, Thompson, Wade, Weathersby and White—49.

The question was then taken on agreeing to the report of the committee of the whole, and decided in the affirmative by yeas and nays as follows:

Those who voted in the affirmative, are,

Messrs. Adams, Alcorn, Allen, Beaty, Berry of Simpson, Brooks, Buford, Bynum, Carson, Chambers, Chewning, Crain, Emanuel, Ewing, Farrar, Fontaine, Foster, Fowles, Frost, Gilleland, Greaves, Harris, Head, Holleman, Lemly, Leonard, Loper, Martin, Maxcy, May, McAfee, McCaughan, McDonald, McInnis, McNabb, Metcalf, Moody, Nash, Netterville, North, Pendleton, Pettus, Pope Randall, Rogers, Rossman, Sessions, Sharkey, Simmons, Simrall, Singleton, Smith of Washington, Stuart, Thompson, Torrey, Wade, Weathersby and White—58.

Those who voted in the negative, are,

Messrs. Archer, Baily, Beene, Berry of Tippah, Binford, Campbell, Cannon, Connell, Cowan, Cushman, Cypert, Dilworth of Monroe, Dilworth of Tishemingo, Gibbs, Green of Hinds, Green of Tippah, Griffin, Guy, Harrison, Hinds, Hughs, Huie, Hyneman, Kennedy, Leigh, Millsaps, Moore, Potts, Robertson, Rushing, Smyth of Winston, Spann, Totten, Walker, Warren and York—36.

Mr. Pettus offered the following amendment by way of rider:

SEC.—*Be it further enacted*, That before the said company shall be entitled to receive any payments out of the said two per cent. fund beyond the amount of money which shall have been actually expended in the construction of the said road, they shall execute guarantees satisfactory to the governor for the faithful application of the sums of money to be paid out of said fund to the construction of said rail road between Brandon and the Alabama line;

Which was read three several times, and adopted by yeas and nays as follows:

Those who voted in the affirmative, are,

Messrs. Adams, Alcorn, Allen, Archer, Baily, Beaty, Beene, Berry of Simpson, Berry of Tippah, Binford, Brooks, Buford, Bynum, Campbell, Cannon, Carson, Chambers, Chewning, Connell, Cowan, Crain, Cypert, Dilworth of Monroe, Dilworth of Tishemingo, Emanuel, Ewing, Farrar, Fontaine, Foster, Fowles, Frost, Gibbs, Gilleland, Greaves, Green of Hinds, Green of Tippah, Griffin, Guy, Harris, Harrison, Head, Hinds, Holleman, Hughs, Huie, Hyneman, Kennedy, Leigh, Lemly, Leonard, Loper, Martin, Maxcy, May, McAfee, McCaughan, McDonald, McInnis, McNabb, Metcalf, Millsaps, Moody, Moore, Nash, Netterville, North, Pendleton, Pettus, Pope, Potts, Randall, Robertson, Rogers, Rossman Rushing, Sessions, Sharkey, Simmons, Simrall, Singleton, Smith of Washington, Smyth of Winston, Spann, Stuart, Thompson, Torrey, Totten, Wade, Walker, Warren, Weathersby, White, Woodbury and York, unanimous.

Mr. Green of Tippah offered the following ryder to the ryder:

SEC.—*Be it further enacted*, That if hereafter said company shall apply to the legislature of this state for any appropriation to aid, or furnish, or construct said road, said company shall forfeit all the privileges herein given and granted by this act.

Mr. Emanuel moved the rejection of the ryder to the ryder;

Which was decided in the affirmative by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Adams, Alcorn, Allen, Baily, Beaty, Berry of Simpson, Brooks, Bynum, Carson, Chambers, Crain, Emanuel, Ewing, Farrar, Foster, Fowles, Frost, Gilleland, Greaves, Green of Hinds, Harris, Harrison, Head, Holleman, Lemly, Leonard, Loper, Mar-

tin, May, McAfee, McCaughan, McDonald, McInnis, McNabb, Metcalf, Moody, Nash, Netterville, North, Pendleton, Pettus, Pope, Randall, Rogers, Rossman, Sessions, Sharkey, Simrall, Simmons, Singleton, Smith of Washington, Spann, Stuart, Thompson, Torrey, Wade, Weathersby and White—59.

Those who voted in the negative, are,

Messrs. Archer, Beene, Berry of Tippah, Binford, Buford, Campbell, Cannon, Chewning, Connell, Cowan, Cypert, Dilworth of Monroe, Dilworth of Tishemingo, Fontaine, Gibbs, Green of Tippah, Griffin, Guy, Hinds, Hughs, Huie, Hyneman, Kennedy, Leigh, Millsaps, Moore, Potts, Robertson, Rushing, Smyth of Winston, Totten, Walker, Warren and York—34.

The question was then taken on the passage of the bill, as amended, and decided in the affirmative by yeas and nays as follows:

Those who voted the affirmative, are,

Messrs. Adams, Allen, Beaty, Berry of Simpson, Brooks, Buford, Bynum, Carson, Chambers, Chewning, Crain, Emanuel, Ewing, Farrar, Fontaine, Foster, Fowles, Frost, Gilleland, Greaves, Harris, Head, Holleman, Lemly, Leonard, Loper, Martin, Maxcy, May, McAfee, McCaughan, McDonald, McInnis, McNabb, Metcalf, Moody, Nash, Netterville, North, Pendleton, Pettus, Pope, Randall, Rogers, Rossman, Sessions, Sharkey, Simmons, Simrall, Singleton, Smith of Washington, Stuart, Thompson, Torrey, Wade, Weathersby, White and Woodbury—58.

Those who voted in the negative, are,

Messrs. Alcorn, Archer, Bailey, Beene, Berry of Tippah, Binford, Campbell, Cannon, Connell, Cowan, Cypert, Dilworth of Monroe, Dilworth of Tishemingo, Gibbs, Green of Hinds, Green of Tippah, Griffin, Guy, Harrison, Hinds, Hughs, Huie, Hyneman, Kennedy, Leigh, Millsaps, Moore, Potts, Robertson, Rushing, Smyth of Winston, Spann, Totten, Walker, Warren and York—36.

Mr. Totten offered the following preamble and resolution:

Whereas, a bill to be entitled an act, to incorporate the southern rail road company, on its last reading received fifty-eight affirmative votes; and there were thirty-six votes cast against it; and whereas, the whole of the two per cent. fund is appropriated to said road, of which more than $70,000 is in the treasury of this

state; and whereas, there were 94 votes cast on the passage of said bill; and whereas, said bill has not received two-thirds of the vote cast, therefore,

Resolaed, That said bill has not received the constitutional majority of this house to become a law.

On motion of Mr. Harris,

The house adjourned until 7 o'clock, p. m.

7 O'CLOCK, EVENING.

The house met pursuant to adjournment.

The chair presented a communication from the state librarian, requesting that those members who had taken books from the library, to return the same within six days before the adjournment of the legislature.

The following communication was received from the auditor o public accounts:

AUDITOR'S OFFICE,
Jackson, February 20th, 1846.

HON. JAMES WHITFIELD,
Speaker of the House of Representatives:

SIR—I have the honor to acknowledge the receipt of a resolution of the house of representatives, adopted on the 18th instant, instructing me to lay before that body the amount of taxes due the state of Mississippi from the various banks in said state.

In reply, I will remark, that I presume the object of the resolution is to elicit information as to the amount of taxes assessed against banks, which they have failed to pay.

I will state that the board of police of Adams county, assumed the power, as far back as 1841, of reducing the amount of taxes due from the Agricultural and Commercial banks, at Natchez, in proportion to the decline in the value of the stock of those institutions. The tax on bank stock being a *specific*, and not an *ad valorem* tax, I refused at first to credit the collectors with the allowance, but as the board interposed between the collectors and the banks their authority, and the collectors were thereby unable to collect the taxes, I have been compelled to admit the allowances, and place them to the collectors' credit. In my judgment, the board have just as much power to reduce the tax upon a negro, because he may not be worth as much as other negroes, as to reduce

the tax on bank stock, because in the market it will not bring par value.

In opposition to the opinion of the attorney general and myself, which I forwarded to the board, they have continued to make these allowances, until they only estimate the stock of the Agricultural bank at $5, and that of the Commercial bank at $10 per share of $100, and the taxes are reduced accordingly.

The reduction of the state tax of the Agricultural bank for 1841, was

		$3,649
	1842,	4,505
	1843,	4,260
	1844,	5,157
	1845,	4,260
Total,		$21,831
On the Commercial bank for	1841,	$2,551
	1842,	2,424 12
	1843,	2,417 50
	1844,	3,868 00
	1845,	6,406 00
Total,		$17,666 62
The Commercial bank of Rodney failed to pay for 1844,	$1,747 84	
And the Port Gibson bank for 1844,	1,208 09	
		2,955 93
The total amount of the above, is		$42,454 28

There was a failure of about $1000 for the taxes of 1843, on the part of the Port Gibson bank, but the committee in their examination of this office so deranged my vouchers, that in the short time I have been able to examine, I have not been able to find it, by which, only, I can determine the precise amount.

Most respectfully,

Your obedient servant,

JAMES E. MATTHEWS,

Auditor of Public Accounts.

Which was read, and,

On motion of Mr. Greene of Hinds,

Laid on the table.

On motion of Mr. Gilleland,

The senate bill entitled,

An act, to provide for cases where no executor or administrator will qualify under a will &c.,

Was called from the orders of the day, and read the second time.

Mr. Pettus offered an amendment, by way of aditional sections;

Which was adopted.

On motion of Mr. Gilleland,

The rule was suspended, the bill read the third time; and,

On motion of Mr. Singleton,

Referred to a select committee of five, consisting of Messrs. Singleton, Gilleland, Pettus, Crain and Simrall.

A message from the senate.

Mr. Speaker—The senate have passed the following bills:

A bill, to be entitled,

An act, supplementary to an act, to authorize the governor of the state of Mississippi to appoint commissioners in other states;

A bill to be entitled,

An act, to incorporate the pastor, deacons and members of the first baptist church in Aberdeen;

A bill to be entitled,

An act, to provide in part for the payment of the Planters' bank bonds, and have made an amendment thereto by way of ryder;

A bill to be entitled,

An act, to authorize Jno. B. Nevitt, Wm. St. John Elliott and P. H. McGraw, commissioners to raise twenty thousand dollars by lottery;

And have made an amendment thereto,

In which I am instructed to desire the concurrence of the house of representatives.

The senate have concurred in the amendment made by way of a ryder by the house, to a senate bill entitled an act, to incorporate the southern rail road company.

Mr. Sessions, from the joint standing committee on enrolled bills, made the following report:

Mr. Speaker—The joint standing committee on enrolled bills have this day presented to his excellency the governor for his approval and signature, bills of the following titles:

An act supplemental to an act to repeal certain laws in relation to the road hands in Honey Island, in Holmes county, approved Feb. 5th, 1846;

An act to incorporate St. Thomas hall, in the town of Holly Springs;

An act, amendatory of an act to repeal the acts heretofore passed, incorporating the city of Jackson, and to define the boundaries and re-incorporate said city, approved 22nd Feb., 1840;

An act for the relief of Abner W. Crider, of Copiah county;

An act to dispense with the time prescribed by law, for Josephus F. Griffin and Wm. R. Hudnell, of Madison county, attaining the age of majority;

An act to authorize Nancy Gowan, administratrix, to transfer the administration of the estate of Meredith Gowan, deceased, from the probate court of Copiah county, to the probate court of Simpson county;

An act to legalize the test of all writs, executions and other legal process in the second judicial district of this state;

An act to authorize the board of police of Wilkinson county to compromise or dismiss a certain suit;

An act, for the benefit of Thos. G. Hill, a minor;

An act, to increase the fees of certain officers in Tunica county;

An act to incorporate the Tilatoba navigation company, and for other purposes;

An act, to amend the laws of this state in relation to bail in criminal cases;

An act, to remove the civil disabilities of James Z. George, a minor of Carroll county;

An act, to attach the county of Noxubee to the 4th judicial district of this state, and for other purposes;

An act to change the time of holding the circuit courts in the county of Marshall;

An act, to change the time of holding the probate court in the county of Jasper;

An act in relation to the reporter of the high court of errors and appeals;

An act for the relief of James White;

An act, to incorporate Tappan Lodge, No. 59, of free and accepted masons;

A resolution, granting leave of absence to A. B. Dawson;

Resolutions granting leave of absence to the judges of the high court of errors and appeals;

Memorial to congress in relation to removing obstructions between the Mississippi river and the gulf of Mexico;

On motion of Mr. Pendleton,

The bill, entitled,

An act, for the relief and benefit of the state hospital at Natchez,

Was called from the orders of the day, and read the second time.

On motion of Mr. Cushman,

The house resolved itself forthwith into committee of the whole on said bill;

Mr. Warren in the chair.

After some time spent therein, the committee rose, reported the bill back to the house without amendment, and recommended its passage;

Which was received.

The question then recurred on agreeing to the report.

Mr. Metcalf offered the following amendment to the report:

Amend by adding to section 1, *Provided*, the city of Natchez shall appropriate the like sum of five thousand dollars to the benefit of said institution;

Which was adopted.

Mr. Walker moved to lay the bill and and amendment on the table;

Which was decided in the negative by yeas and nays as follows:

Those who voted in the affirmative, are,

Messrs. Adams, Beene, Berry of Simpson, Berry of Tippah, Bynum, Cannon, Connell, Cowan, Crain, Cypert, Dilworth of Monroe, Fontaine, Green of Tippah, Griffin, Harrison, Hinds, Hughs, Hyneman, Leonard, Martin, McAfee, Millsaps, Potts, Robertson, Singleton, Smyth of Winston, Totten, Walker, Warren and York—30.

Those who voted in the negative are,

Messrs. Allen, Baily, Beaty, Buford, Carson, Chambers, Chewning, Cushman, Emanuel, Ewing, Fowles, Gilleland, Head, Kennedy, Leigh Loper, May, McDonald, McInnis, Metcalf, North, Pendleton, Pope, Rogers, Rossman, Sessions, Sharkey, Simmons, Simrall, Spann, Thompson, Torrey, Wade and White—34.

The question was taken on agreeing to the report, and decided in the affirmative.

Mr. Hyneman offered an amendment, authorizing the auditor of public accounts to issue his warrant for the sum of $1000 on the 1st day of August next, and $1000 on the 1st day of January, 1847, for the express purpose of erecting a hospital in the town of Eastport.

Mr. Simrall moved the rejection of the above amendment.

Pending the motion, the house,

On motion of Mr. Hinds,

Adjourned.

SATURDAY, FEBRUARY 21, 1846.

The house met pursuant to adjournment;

And its deliberations were opened with prayer by the Rev. Mr. Hiestand, of New Orleans.

Mr. Gibbs, from the commitee of ways and means, to whom was referred the petition of Solomon Jones, of Oktibbeha county, reported that it is inexpedient to grant the prayer of the petitioner;

Which was received and agreed to.

Mr. Alcorn, from the select committee, to whom was referred,

A bill, granting the rights of pre-emption upon the 500,000 acres of land, reported the same back to the house with sundry amendments thereto;

Which was received.

Mr. Harrison offered the following amendment to the report of the committee:

Strike out "on all who may become settlers on the same, by the first day of January, 1847."

Mr. Hughs offered the following amendment, in lieu of the one offered by Mr Harrison:

That pre-emptions at one dollar and a quarter per acre to one quarter section, shall be granted, who may be actually settled upon the same, at the time of the passage of this act;

Which was accepted.

Mr. Connell moved to refer the whole subject to a select committee of five;

Which was lost.

Mr. Alcorn moved the rejection of the amendment;

Which was lost.

Mr. Hughs was permitted to withdraw his amendment, and the question recurred on the adoption of the amendment originally offered by Mr. Harrison;

Pending the action on the above amendment, the bill,

On motion of Mr. Kennedy,

Was recommitted to the same committee.

The following message was received from his excellency the governor by Mr. Nicholson his private secretary:

Mr. Speaker—His excellency the governor has this day approved and signed bills which originated in the house of representatives of the following titles, to wit:

An act to dispense with the time prescribed by law, for Josephus F. Griffin and William R. Hudnall, of Madison county, attaining the age of majority;

An act to incorporate Tappan lodge No. 59, of free and accepted masons;

An act for the relief of Abner W. Crider, of Copiah county;

An act amendatory of an act to repeal the acts heretofore passed, incorporating the city of Jackson, and to define the boundaries, and re-incorporate said city, approved Feb. 22, 1840;

An act to incorporate the Tillatoba navigation company, and for other purposes;

An act to increase the fees of certain officers in Tunica county;

An act to legalize the test of all writs, executions, and other legal process, in the second judicial district of this state;

An act to amend the laws of this state, in relation to bail, in criminal cases;

An act to remove the civil disabilities of James Z. George, minor, of Carroll county;

An act to authorize Nancy Gowin, administratrix, to transfer the administration of the estate of Meredith Gowan, deceased, from the probate court of Copiah county, to the probate court of Simpson county;

An act to attach the county of Noxubee, to the fourth judicial district of this state, and for other purposes;

An act to change the time of holding the circuit court in the county of Marshall;

An act to change the time of holding the probate court in the county of Jasper;

An act in relation to the reporter of the high court of errors and appeals;

An act for the relief of James White;

An act supplemental to an act to repeal certain laws in relation to the road hands in Honey Island, in Holmes county, approved February 5th, 1846;

An act to incorporate St. Thomas hall, in the town of Holly Springs;

An act to authorize the board of police of Wilkinson county to compromise or dismiss a certain suit;

An act for the benefit of Thomas G. Hill, a minor.

A resolution granting leave of absence to A. B. Dawson;

Resolution granting leave of absence to the judges of the high court of errors and appeals;

Memorial to congress in relation to removing obstructions between the Mississippi river and gulf of Mexico;

The following message was received from the senate, by Mr. Wilcox their secretary:

Mr. Speaker—The president of the senate has signed acts which originated in the house of representatives as follows:

An act to authorize the board of police of Noxubee county, to have transcribed into suitable books, certain records in said county;

An act giving power to the circuit and chancery courts to legitimatize bastard children, alter or change their names, and for other purposes;

An act to incorporate Sterling lodge No. 54, of free and accepted masons;

An act to reduce the per diem allowance of members of the board of police, probate judges and probate clerks of certain counties therein named;

An act to authorize the commissioner of the sinking fund to make compromises with the debtors thereof;

An act to repeal an act to prohibit the introduction of slaves into this state as merchandize or for sale, approved May 13, 1837;

An act to remove the civil disabilities of Laban B. Harper, minor, of Simpson county.

An act for the relief of Curtis Crawford, of Wilkinson county;

An act to change the names of Abbey Jane Coffin and Samuel Thomson Coffin.

The senate have passed the following house bills:

A bill to be entitled,

An act to authorize Harlay Benson to construct a mill dam across the Yok-napataffa river;

A bill to be entitled,

An act to provide for the appointment of guardians, in certain cases;

A resolution granting leave of absence from this state to the Hon. Stephen Cocke;

A bill, to be entitled,

An act to incorporate the Lexington and Honey Island turnpike company;

A bill, to be entitled,

An act regulating the right of way on the bank of the Mississippi river, in this state;

A bill, to be entitled,

An act for the relief of John Huffman, of Carroll county;

A bill, to be entitled,

An act to incorporate the Monroe lodge No. 39, of free and accepted masons, of Perry county;

In which I am instructed to desire the concurrence of the house of representatives.

An act to provide for erecting levees on the banks of the Mississippi river, in Warren county;

An act to provide for assessing and collecting taxes in certain counties therein named, and for other purposes;

An act to incorporate Sharon female college, in the town of Sharon, in Madison county;

An act to change the name of Berry Lafayette Blackwell, to Berry Lafayette Flowers;

An act to incorporate the Panola and Delta rail road company;

An act to incorporate the Panola and Delta charcoal road company;

A memorial to the congress of the United States.

Mr. Sessions from the joint standing committee on enrolled bills, made the following report:

Mr. Speaker—The joint standing committee on enrolled bills have this day examined bills of the following titles:

An act to remove the civil disabilities of Laban B. Harper, minor, of Simpson county;

An act to change the name of Abbey Jane Coffin and Samuel Thompson Coffin;

An act for the relief of Carter Crawford, of Wilkinson county;

An act to incorporate the Panola and Delta rail road company;

An act to provide for erecting levees on the banks of the Mississippi river, in Warren county;

An act to incorporate the Panola and Delta charcoal road company;

An act to change the name of Berry Lafayette Blackwell, to Berry Lafayette Flowers;

Memorial to the congress of the United States;

An act to incorporate the Sharon female academy, in the town of Sharon, in Madison county;

An act better to provide for assessing and collecting taxes in certain cases, therein named, and for other purposes;

And have found the same correctly enrolled.

They have also presented to his excellency the governor, for his signature and approval,

An act supplemental to an act, to define the powers and duties of the board of police of Monroe, Chickasaw and Noxubee counties;

An act to incorporate the town of Benton, in Yazoo county;

A memorial of the legislature of the state of Mississippi, to the congress of the United States;

An act for the relief of the Columbus riflemen.

The senate bill, entitled,

An act to define the duties of county surveyors in the state, and to fix their fees;

Was read the first time.

The senate bill, entitled,

An act to establish at the city of Jackson a vaccine depot and agency for the state, with a view to the prevention of small pox;

Was read the first time.

Mr. Berry of Tippah, moved the rejection of the bill;

Which was lost.

On motion of Mr. Totten,

The rule was suspended and the bill referred to a select committee of five, consisting of Messrs. Griffin, Farrar, Rossman, Ewing and Kennedy:

The senate bill, entitled,

An act for the construction and repairing levees, in the county of Issaquena;

Was read three several times, and passed.

The senate bill entitled,

An act to establish and carry into effect a state lunatic hospital in the city of Jackson;

Was read the first and second time; and,

On motion of Mr. Cushman,

Made the special order of the day for committee of the whole on Tuesday next.

The senate bill, entitled,

An act to repeal a part of an act entitled an act to attach a part of Perry county to the county of Harrison, approved January 24, 1844;

Was read three several times, and passed.

The senate bill entitled,

An act declaring bayou Tippah a navigable stream;

Was read three several times, and passed.

A senate bill, entitled,

An act to incorporate the pastor, deacons and members of the first Baptist church, in Aberdeen;

Was read three several times, and passed.

The senate bill, supplemental to an act authorizing the governor of the state of Mississippi to appoint commissioners in other states;

Was read three several times, and passed.

The senate bill, entitled,

An act to provide in part for the payment of the Planters' Bank bonds;

Was read the first time.

Mr. Harris moved the rejection of the bill, which was decided in the negative by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Alcorn, Berry of Tippah, Campbell, Carson, Chewning Gilleland, Greaves, Harris, Hinds, Hughs, Kennedy, McDonald, Moody, Rossman, Thompson, Torrey, Walker, Weathersby, Woodbury and York—20.

Those who voted in the negative, are,

Messrs. Abbott, Allen, Archer, Beaty, Berry of Simpson, Brooks, Buford, Bynum, Cannon, Connell, Cowan, Cushman, Cypert, Dilworth of Monroe, Dilworth of Tishemingo, Farrar, Fontaine, Foster, Fowles, Frost, Gibbs, Green of Hinds, Green of Tippah, Griffin, Guy, Harrison, Head, Holleman, Huie, Hyneman, Leigh, Lemly, Loper, Martin, McAfee, McCaughan, McInnis, Metcalf, Millsaps, Nash, Netterville, Pendleton, Pettus, Pope, Potts, Randall, Robertson, Rogers, Rushing, Sessions, Sharkey Simmons, Simrall, Smith of Washington, Smyth of Winston, Spann, Totten, Wade and White—59.

Mr. Sharkey asked a suspensions of the rules;

Which was refused.

The senate bill, entitled,

An act authorizing John B. Nevitt, Wm. St. John Elliott and P. H. McGraw, commissioners to raise twenty thousand dollars by lottery;

Was read the first time; and,

On motion of Mr. Buford,

Rejected.

On motion of Mr. Hughes,

Resolved, That J. B. Pinny, agent, of the American colonization society, be allowed the use of the hall of representatives to deliver a lecture on that subject, on Sabbath morning next.

On motion of Mr. Fontaine,

The house adjourned until Monday morning 9 o'clock.

MONDAY, FEBRUARY 23, 1846.

The house met pursuant to adjournment;

And its deliberations were opened with prayer by the Rev. Mr. Pinny, late Governor of Liberia.

Mr. Allen, by leave, introduced,

A bill supplemental to an act entitled an act to re-organize the judicial districts of this state;

Which was read three several times.

Mr. Harris offered the following amendment by way of ryder:

Be it further enacted, That the provisions of this act shall apply to the several judicial districts of this state;

Which was adopted, and the bill passed as amended:

Mr. McCaughan, by leave, introduced,

A bill to be entitled,

An act to amend the laws of this state, in relation to the selling of vinous and spirituous liquors;

Which was read the first and second time.

Mr. Hinds offered the following ammendment:

Provided, That the provisions of this act do not extend to the counties of Itawamba, Tishemingo, Winston, Scott, Green, Lauderdale, Simpson and Lafayette.

Mr. Walker moved to lay the bill and amendment on the table;

Which was decided in the negative by yeas and nays as follows:

Those who voted in the affirmative, are,

Messrs. Abbott, Alcorn, Archer, Beene, Berry of Simpson, Bynum, Campbell, Cannon, Carson, Connell, Crain, Cushman, Dilworth of Monroe, Dilworth of Tishemingo, Ewing, Foster, Fowles, Frost, Gibbs, Gilleland Greaves, Guy, Hinds, Hughs, Huie, Hyneman, Leigh, Loper, Martin, May, McAfee McDonald, McInnis, Metcalf Moody, Moore, North, Pettus, Rushing Smyth of Winston, Torrey, Walker and White—43.

Those who voted in the negative, are,

Messrs. Adams, Allen, Baily, Beaty, Berry of Tippah, Binford, Brooks, Buford, Chambers, Chewning, Cowan, Farran, Green of Tippah, Griffin, Harris, Harrison, Holleman, Kennedy, Lomly, Leonard, Malone, McCaughan, Millsaps, Nash, Netterville, Pendleton, Potts, Randall, Robertson, Rogers, Rossman, Sharkey, Simmons, Simrall, Smith of Washington, Spann, Stuart,

Thompson, Totten, Wade, Warren, Weathersby and Woodbury, —43.

Mr. Warren moved that the house resolve itself forthwith into committee of the whole on said bill;

Which was lost.

On motion of Mr. Berry of Tippah,

The bill was referred to a select committee of seven, consisting of Messrs. Berry of Tippah, McCaughan, Hinds, Cannon, Allen, Warren and Lemly.

Mr. Greaves, from the select committee, to whom was referred the subject of the apportionment of representatives and senators in this state, reported,

A bill, to be entitled,

An act apportioning representatives and senators in this state;

Which was read the first time, and the report received,

On motion of Mr. Sharkey,

The report was laid on the table, and two hundred copies ordered to be printed.

Mr. Alcorn, from the select committee to whom was referred,

A bill to be entitled,

An act granting pre-emption rights to settlers, on the 500,000 acres of land in certain cases, reported a new bill on the same subject;

Which was read the first time, and the report received and agreed to.

The rule being suspended, the bill was read the second time.

Mr. Dilworth of Tishemingo, offered the following amendment:

After the word "act," in line 6, section 3, add, at interest at 6 per cent. per annum.

Mr. Pettus offered the following amendment:

Strike out the words one dollar and twenty-five cents, and insert one dollar and fifty cents.

The question was taken on striking out, and lost.

The bill was then ordered to be engrossed for a third reading on to-morrow.

A message from the senate, by Mr. Wilcox their secretary:

Mr. Speaker—The senate have passed the following bill from the house:

A bill to be entitled,

An act amendatory of an act to authorize appeals from the decisions of the justices of the peace to the circuit courts, approved February 22, 1842.

The senate have passed the following bills:

A bill, to be entitled,

An act for the relief of James M. Dowty;

A bill, to be entitled,

An act for the relief of the lunatic asylum at Lexington, Kentucky;

A bill, to be entitled,

An act reducing the fees of certain officers therein named, approved February 14, 1844, so far as relates to the counties of Covington, Wayne, Jones, Clark, Green, Jackson, Harrison, Hancock, Perry and Green.

Also, the following joint resolution:

Resolved, That the joint committe on claims be authorized to employ a clerk to assist in making out an appropriation bill;

In which I am instructed to desire the concurrence of the house of representatives.

Mr. White from the standing committee on enrolled bills, made the following report:

Mr. Speaker—The joint standing committee on enrolled bills, have examined,

An act to incorporate the southern rail road company;

An act to incorpoaate the town of Paulding in Jasper county;

An act to amend an act entitled an act to incorporate the town of Aberdeen, in the county of Monroe;

An act for the benefit of James Moore;

A resolution directing the auditor of public accounts to issue a warrant to Henry Dickerson for his salary;

Resolution granting leave of absence to Henry Dickerson;

An act supplemental to an act entitled an act to establish an inferior court of chancery in the southern part of this state;

And have found the same correctly enrolled.

Mr. Kennedy, from the select committee, to whom was referred the petition of sundry citizens of Carroll county, in relation to the changing of the dividing line between magistrate beats in police district No. 4, in said county, reported,

A bill, to be entitled,

An act to amend an act entitled an act to divide the police district No. 4, in Carroll county;

Which was read the first time, and the report received and agreed to.

The rule being suspended, the bill was read the second and third time, and passed.

Mr. Totten, from the judiciary committee, to whom was referred the petition of Thos. Griffin, praying that a law may be passed discharging mortgages made to the Mississippi Union Bank, for stocks, reported that it is not expedient to grant the prayer of the petitioner;

Which was received and agreed to.

Mr. Totten, from the same committee, to whom was referred a house bill to suppress riots, routs, affrays, &c., reported the same back to the house with an amendment thereto;

Which was received and agreed to, and the bill ordered to be engrossed for a third reading on to-morrow.

Mr. Totten, from the same committee, to whom was referred a senate bill, amendatory of an act allowing fees to sheriffs and constables in certain cases, reported the same back to the house, and recommended that it do not pass;

Which was received and agreed to.

Mr. Totten, from the same committee, to whom was referred the petition of Thomas Wells, jr., and others, reported that the prayer of the petitioners ought not to be granted;

Which was received and agreed to.

Mr. Totten, from the same committee, to whom was referred the petition of Mr. McLeod, praying a general change in the law of this state, reported that it is inexpedient to legislate on the various subjects referred;

Which was received and agreed to.

Mr. Totten, from the same committee, to whom was referred,

A bill, entitled,

An act to amend an act to regulate the liens of judgments and decrees, approved the 16th February, 1841, reported the same back to the house with an amendment thereto, by striking out the 4th and 5th sections therof;

Which was received and agreed to, the bill read the third time, and passed as amended.

A message from the senate, by Mr. Wilcox, their secretary:

Mr. Speaker—The senate have passed a bill from the house of representatives of the following title:

A bill to be entitled,

An act supplemental to an act entitled an act to re-organize the judicial districts of this state, and for other purposes, approved February 3, 1844.

The senate have passed,

A bill, to be entitled,

An act to change the practice of the circuit courts in this state, in relation to jurors, and have made an amendment thereto by way of ryder;

In which I am instructed to desire the concurrence of the house of representatives.

Mr. Totten, from the judiciary committee, to whom was referred,

A house bill, entitled,

An act to amend the laws of this state, in relation to runaway slaves, reported the same back to the house and recommended that it do not pass;

Which was received and agreed to.

Mr. Totten, from the same committee, to whom was referred a resolution of the house, instructing the committee to inquire into the expediency of taking off all restrictions to the negotiability of notes and writings obligatory, reported that it is inexpedient to engraft the principles of said resolution into the law of this state;

Which was received and agreed to.

Mr. Totten, from the same committee, to whom was referred a senate bill to regulate the practice of the circuit courts in criminal cases, reported the same back to the house, and recommended that it do not pass,

Which was received and agreed to.

Mr. Totten, from the same committee, to whom was referred,

A senate bill, entitled,

An act to repeal the 5th section of an act for the more perfect organization of the superior court of chancery, reported the same back to the house and recommended its passage;

Which was received and agreed to, the bill read the third time and passed.

Mr. Totten, from the same committee, to whom was referred,

A house bill, entitled,

An act to abolish estray sales, and for other purposes, reported the same back to the house, and recommended that it do not pass;

Which was received and agreed to.

Mr. Totten, from the same committee, to whom was referred the petition of sundry citizens of the county of Neshoba, reported,

A bill to be entitled,

An act to reduce the compensation of the board of police in the county of Neshoba;

Which was read the first time, and the report received and agreed to.

The rule being suspended, the bill was read the second and third time, and passed.

Mr. Totten, from the same committee, to whom was referred,

A house bill, entitled,

An act to declare the embezzling or unlawful using of public money in this state to be felony, and for other purposes, reported the same back to the house, and recommended that it do not pass;

Which was received and agreed to.

Mr. Totten, from the same committee, to whom was referred the petition of sundry citizens of Copiah county, praying the passage of an act remunerating sheriffs for the services therein mentioned, reported that it is not expedient to legislate further on the subject;

Which was received and agreed to.

Mr. Totten, from the same committee, to whom was referred,

A house bill, entitled,

An act to prescribe the duties of the different boards of police in this state, reported the same back to the house without amendment, and recommended its passage;

Which was received and agreed to, the bill read the third time, and passed.

Mr. Warren, from the select committee, to whom was referred,

A bill to be entitled,

An act to amend the laws in this state, in relation to the sale of vinous and spirituous liquors, reported the same back to the house, with an amendment thereto;

Which was received.

On motion of Mr. Allen,

The house resolved itself forthwith into committee of the whole on said bill;

Mr. Harris in the chair.

After some time spent therein, the committe rose and reported the bill back as amended by the majority of the select committee;

Which was received.

Mr. Millsaps moved to lay the report on the table;

Which was carried by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Abbott, Alcorn, Archer, Beaty, Beene, Berry of Simpson, Berry of Tippah, Brooks, Bynum, Campbell, Cannon, Connell, Crain, Cushman, Cypert, Dilworth of Monroe, Dilworth of Tishemingo, Farrar, Foster, Fowles, Frost, Gibbs, Gilleland, Griffin, Guy, Harrison, Hinds, Holleman, Hughs, Hune, Hyneman, Leigh, Leonard, Loper, Martin, McInnis, Metcalf, Millsaps, Moore, North, Pettus, Robertson, Rogers, Rushing, Simmons, Smyth of Winston, Spann, Stuart, Torrey, Walker—50.

Those who voted in the negative, are,

Messrs. Adams, Allen, Buford, Carson, Cowan, Emanuel, Ewing, Greaves, Harris, Kennedy, Lemly, McAfee, McCaughan, McDonald, Moody, Nash, Netterville, Pendleton, Pope, Potts, Randall, Rossman, Smith of Washington, Thompson, Totten, Wade, Warren, Weathersby, White and Woodbury—30.

On motion of Mr. Connell,

The resolution from the senate relative to allowing the joint standing committee on claims a clerk, was concurred in.

On motion of Mr. Kennedy,

The house adjourned until 3 o'clock p. m.

THREE O'CLOCK, P. M.

The house met pursuant to adjournment.

The following message was received from the Senate, by Mr. Wilcox, their Secretary:

Mr. Speaker—The president of the senate has signed the following acts which originated in the senate:

An act supplementary to an act entitled an act to establish an inferior court of chancery in the southern part of this state;

An act to incorporate the town of Paulding, in Jasper county;

An act to incorporate the southern railroad company;

An act for the benefit of James Moore;

An act to amend an act entitled an act to incorporate the town of Aberdeen, in the county of Monroe, approved May 12, 1837;

A resolution directing the auditor of public accounts to issue a warrant to Henry Dickerson, for his salary;

A resolution granting leave of absence to Henry Dickerson.

Which I am instructed to present to the speaker of the house of representatives.

Mr. Berry of Simpson, by leave, introduced,

A bill to be entitled,

An act to prevent stock from running at large in cities and incorporated towns;

Which was read the first time; and,

On motion of Mr. Lemly,

The bill was rejected.

Mr. Metcalf presented the claims of D. R. Jones;

Which was referred to a select committee of three, consisting of Messrs. Metcalf, Lemly and Farrar.

The following message was received from the senate, by Mr. Wilcox, their secretary.

Mr. Speaker—The senate have adopted the following bills from the house of representatives:

A bill to be entitled,

An act to reduce the compensation of the board of police for the county of Neshoba;

A bill to be entitled,

An act to prescribe the duties of the different boards of police in this state.

The senate have adopted a resolution for the relief of Landy Linsey;

In which I am instructed to desire the concurrence of the house of representatives.

The senate resolution relative to the adjournment of the legislature on the second day of March next, was considered.

Mr. Allen moved that the house concur in the above resolution.

Mr. Adams offered the following amendment:

Strike out the second, and insert the fourth.

The question was taken on striking out and carried.

Mr. Harris moved to fill the blank with the tenth;

Which was lost by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Adams, Beaty, Carson, Cowan, Emanuel, Ewing, Farrar, Gibbs, Greaves, Harris, Lemly, McCaughan, Metcalf, Moody, Pendleton, Pettus, Randall, Sharkey, Smith of Washington, Spann, Totten, Wade, White and Woodbury—24.

Those who voted in the negative, are,

Mr. Speaker, Messrs. Abbott, Alcorn, Allen, Archer, Beene, Berry of Simpson, Berry of Tippah, Brooks, Buford, Bynum, Campbell, Cannon, Chambers, Connell, Crain, Cypert, Dilworth of Monroe, Dilworth of Tishemingo, Foster, Fowles, Frost, Gilleland, Green of Hinds, Green of Tippah, Griffin, Guy, Hinds, Holleman, Hughs, Kennedy, Leigh, Loper, Malone, Martin, McAfee, McDonald, McInnis, Millsaps, Moore, Nash, Netterville, Pope, Potts, Robertson, Rogers, Rossman, Rushing, Simmons, Simrall, Singleton, Smyth of Winston, Thompson, Walker, Warren and Weathersby—56.

Mr. Dilworth of Tishemingo, moved to insert the 7th of March;

Which was lost.

The question was then taken on the "5th;"

And carried.

Mr. Cushman moved to amend the motion by inserting 1 o'clock, p. m.

Mr. Totten moved to insert 12 o'clock, p. m.;

Which motion having preference, was taken, and decided in the affirmative.

The question was then taken on the adoption of the resolution as amended, and carried.

Mr. Campbell offered the following resolution:

Resolved, That no member of this house shall speak more than twenty minutes on any subject which may come up for discussion, during the remainder of the session.

Mr. Adams moved to strike out "twenty minutes," and insert "five minutes;"

Which was adopted.

Mr. Millsaps moved to lay the resolution as amended, on the table;

Which was lost.

The question was then taken on the adoption of the resolution

as amended, and decided in the affirmative by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Adams, Allen, Alcorn, Abbott, Archer, Beaty, Berry of Simpson, Berry of Tippah, Brooks, Bynum, Cannon, Chewning, Cowan, Crain, Cypert, Dilworth of Tishemingo, Fowles, Gibbs, Green of Hinds, Green of Tippah, Griffin, Harrison, Holleman, Leigh, Leonard, Loper, Malone, McDonald, McInnis, Metcalf, Moody, Nash, Netterville, Pope, Potts, Rogers, Rushing, Simmons, Simrall, Smyth of Winston, Stuart, Warren, Weathersby and Woodbury—43.

Those who voted in the negative, are,

Mr. Speaker, Messrs. Beene, Buford, Campbell, Chambers, Connell, Cushman, Dilworth of Monroe, Emanuel, Ewing, Farrar, Foster, Frost, Gilleland, Greaves, Guy, Harris, Hinds, Hyneman, Kennedy, Lemly, Martin, May, McAfee, McCaughan, Millsaps, Pendleton, Pettus, Robertson, Rossman, Sharkey, Singleton, Smith of Washington, Spann, Thompson, Torrey, Totten, Wade Walker and White—42.

The senate bill entitled,

An act to incorporate the Lexington and Honey Island turnpike company;

Was read the first time.

On motion of Mr. Beaty,

The rule was suspended, the bill read the second and third time, and passed with its title as stated.

On motion of Mr. Emanuel,

The house concurred in the amendment made by the senate, to the house bill, entitled an act for the relief of Elisha Fox.

The senate bill entitled,

An act to provide for the appointment of guardians in certain cases;

Was read the first time.

The senate bill entitled,

An act to incorporate the Monroe lodge No. 39, of free and accepted masons of Perry county;

Was read three several times, and passed.

The senate resolution, granting leave of absence to Gen. Stephen Cocke;

Was read three several times, and passed.

The senate bill, entitled,

An act for the relief of James M. Dowty;

Was read the first and second time; and,

On motion of Mr. Metcalf,

Referred to the committee on claims.

The senate bill entitled,

An act to authorize Hardy Benson to construct a mill dam across the Yok-napataffa river;

Was read the first time; and,

On motion of Mr. Bufurd,

The bill was rejected.

On motion of Mr. Simrall,

Resolved, That the senate be requested to furnish this house with all the papers and evidences accompanying a bill for the relief of James M. Dowty.

The senate bill entitled,

An act for the relief of John Huffman, of Carroll county;

Was read the first and second time.

On motion of Mr. Kennedy,

The house resolved itself forthwith into committee of the whole on said bill;

Mr. McCaughan in the chair.

After some time spent therein, the committee rose, reported the bill back to the house with an amendment thereto, and recommended that it do not pass;

Which was received.

Mr. Kennedy moved to strike out the amendment made by the committee of the whole.

Mr. Allen moved to lay the bill and report on the table;

Which was carried.

Mr. Walker, from the joint standing committee on enrolled bills, reported that they have examined,

An act supplementary to an act to authorize the governor of the state of Mississippi, to appoint commissioners in other states;

And have found the same correctly enrolled.

On motion of Mr. Allen,

Resolved, That the auditor of public accounts, be and he is hereby required to report to this house, as soon as convenient, a

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Mr. Smith of Washington, moved to insert the counties of Washington, Adams, Jefferson, Rankin;

Which was carried.

The rule being suspended, the bill was read the third time, and passed as amended.

Mr. McCaughan moved to amend the title, by striking out the county of Harrison;

Which was sustained.

The senate bill, entitled,

An act to change the practice of the circuit courts in this state, in relation to jurors;

Was read the first and second time.

Mr. Hyneman offered the following amendment:

That no juror shall hereafter receive mileage.

Mr. Hinds moved to lay the bill and amendment on the table;

Which was lost.

The question was then taken on the adoption of the amendment, and decided in the negative.

On motion of Mr. Hyneman,

The house adjourned until 7 o'clock, p. m.

SEVEN O'CLOCK, P M.

The house met pursuant to adjournment.

Mr. Harrison moved to call from the orders of the day No. 232;

Which was lost.

The unfinished business was then taken up, viz:

The senate bill, entitled,

An act to change the practice of the circuit courts in this state, in relation to jurors.

On motion of Mr. Alcorn,

The bill was laid on the table until the first day of January next.

The senate resolution for the relief of Landy Lindsey;

Was read three several times, and passed.

Mr. Harrison renewed his motion to call No. 232 from the orders of the day;

Which was not sustained.

The house bill, entitled,

An act for the relief of John A. Cotton, and for other purposes

Was read the second time.

On motion of Mr. Greaves,

The rule was suspended and the bill read the third time.

Mr. Connell, offered the following amendment, by way of ryder:

That the provisions of this act apply to Orren D. Battle;

Which was read three several times, and adopted.

The question was then taken on the passage of the bill as amended, and decided in the affirmative by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs: Abbott, Adams, Alcorn, Allen, Beaty, Berry of Tippah, Brooks, Buford, Cannon, Connell, Cowan, Crain, Ewing, Fowles, Gibbs, Gilleland, Greaves, Green of Hinds, Griffin, Harris, Harrison, Holleman, Hyneman, Kennedy, Leigh, Leonard, May, McAfee, McCaughan, Millsaps, Nash, Pendleton, Pope, Potts, Sessions, Singleton, Smith of Washington, Thompson, Torrey, Totten, Wade, Walker and Woodbury—43.

Those who voted in the negative, are,

Messrs. Beene, Berry of Simpson, Bynum, Carson, Dilworth of Tishemingo, Dilworth of Monroe, Farrar, Foster, Green of Tippah, Hinds, Loper, Martin, McDonald, Metcalf Moody, Robertson, Rushing, Simmons, Smyth of Winston and Weathersby—19.

The house bill, entitled,

An act for the relief of Alfred E. Lewis, sheriff of Jackson county;

Was read the second time; and,

On motion of Mr. McCaughan,

Referred to the committee on claims.

The house bill, entitled,

An act to amend an act to incorporate the Canton and Jackson rail road company, approved February 5, 1841;

Was read the third time, and passed.

The house bill, entitled,

An act to regulate the mileage of members of the legislature;

Was read the second time.

Mr. Alcorn moved to lay the bill on the table;

Which was lost.

On motion of Mr. Thompson,

The rule was suspended, the bill read the second and third time, and passed.

The house bill, entitled,

An act amendatory and explanatory of an act to designate in what manner, and in what courts suits shall be brought against the state of Mississippi, approved 15th February, 1843;

Was read the second time; and,

On motion of Mr. Kennedy,

Referred to the judiciary committee.

The house bill, entitled,

An act to alter the mode of appointing and restricting the number of clerks of the legislature;

Was read the second time and laid on the table.

The house resolution to congress, in relation to the military academy at West Point;

Was read the second time; and,

On motion of Mr. McCaughan,

Referred to a select committee of three, consisting of Messrs. Allen, McCaughan and Alcorn.

The house resolution of the legislature of the state of Mississippi, that the bonds and coupons of the Planters' Bank, ought to be paid, &c.;

Was read the second time.

Mr. Singleton moved the indefinite postponement of the resolution;

Which was decided in the negative by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Berry of Simpson, Berry of Tippah, Bynum, Dilworth of Tishemingo, Gibbs, Gilleland, Green of Tippah, Griffin, Harris, Hyneman, Kennedy, Martin, McAfee, McCaughan, McDonald, Metcalf, Millsaps, Moody, Potts, Robertson, Singleton, Smyth of Winston, Thompson, Torrey, Wade and Walker—26.

Those who voted in the negative, are,

Messrs. Abbott, Alcorn, Allen, Beaty, Beene, Buford, Cannon, Carson, Connell, Dilworth of Monroe, Ewing, Farrar, Foster, Fowles, Harrison, Hinds, Holleman, Leigh, Lemly, Loper, May, Nash, Pendleton, Pope, Rushing, Sessions, Simmons, Smith of Washington, and Totten—29.

The ryder heretofore offered to the resolution, relative to paying the Planters' Bank bonds;

Was read the second time.

Mr. Dilworth of Tishemingo, offered the following ryder to the ryder:

Amend by adding after the word "fund," as follows: "and the 500,000 acres of land, donated by congress to this state."

Mr. Green of Tippah, moved to lay the whole subject on the table;

Which was sustained.

On motion of Mr. Green of Tippah,

The house adjourned.

TUESDAY, FEBRUARY 24, 1846.

The house met pursuant to adjournment,

And its deliberations were opened with prayer by the Rev. L. J. Halsey, of Jackson.

A message from the senate by Mr. Wilcox, their secretary.

MR. SPEAKER—The senate have passed,

A bill, to be entitled,

An act, supplementary to an act, by which the time of holding the circuit court in the counties of Winston and Attala were changed, approved Feb. 20, 1846:

In which I am instructed to desire the concurrence of the house.

The president of the senate has signed an act which originated in the senate as follows:

An act, supplementary to an act to authorize the governor of the state of Mississippi to appoint commissioners in other states;

Which I present to the speaker of the house of representatives for his signature.

Mr. Adams presented the claim of Washington Dorsey, accompanied with

A bill to be entitled,

An act, for the relief of the heirs of Washington Dorsey, deceased;

Which was read the first and second time, and,

On motion of Mr. Adams,

Referred to the committee on propositions and greivances.

Mr. Woodbury presented the petition of sundry citizens of the county of Sunflower;

Which was referred to a select committee of three, consisting of Messrs. Woodbury, Chewning and Beaty.

Mr. Griffin, from the select committee to whom was referred,

A bill, to be entitled,

An act, to establisb at the city of Jackson, a vaccine depot and agency for the state, with a view to the protection against small pox, reported the same back to the house with sundry amendments thereto;

Which was received.

Mr. Warren moved to lay the bill and report on the table;

Which was lost.

The question was then taken on agreeing to the report.

Before the question was taken,

On motion of Mr. Griffin,

The bill and report was recommitted to the same committee.

Mr. Woodbury, from the committee to whom was referred the petition of sundry citizens of Yazoo and Issaquena counties, praying for the formation of a new county, reported,

A bill to be entitled,

An act, to establish a new county in this state, to be called the county of Satartia;

Which was read the first time.

Mr. Woodbury moved that the report be received and agreed to;

Which was lost.

Mr. Brooks, from the select committee to whom was referred the petition in relation to the improvement of the navigation of the Noxubee river, made the following report:

Mr. Speaker—The select committee to whom was referred the report of the company for the improvement of the navigation of the Noxubee river, have had the same under considnration, and beg leave to make the following report.

The company for the improvement of the Noxubee river was organized under the law of 1833, in the year 1842, and has been in efficient operation since that time. Notwithstanding many obstructions have presented themselves in this enterprise, many of

them have gradually given way before the industry and energy of this company. From year to year, since its organization, they have been industrious in appropriating their united means to the improvement of the navigation of said river.

The committee would take this occasion to call the attention of the legislature to the worthy objects of legislation in making a wise and equitable distribution of the funds that may hereafter accrue to the state from the sale of the 500,000 acres of land donated to the state by the general government for purposes of internal improvement. The committee respectfully submit that it would be wise policy to aid the efforts that are now making by the citizens of the state for the improvement of the natural channels of water courses opened to them by a wise and benificent creator. Your committee are of opinion that the best interest of the people of the state would be promoted by improving our navigable streams.

The Noxubee river has its course through a section of the state where the lands are fertile and productive. As a public high way it is of the greatest importance to a considerable portion of our citizens. The products of the great staple of the country, contiguous to this stream, constitute no inconsiderable item in the amount of exportations of Mississippi. The labor already bestowed on the Noxubee by the company, for the improvement of its navigation, has already demonstrated the fact that it is navigable for steam boats carrying seven or eight hundred bales of cotton, the best evidence of which is, that there has been during the present season, no less than four steamboat arrivals as high as the town of Macon. The committee are firmly impressed with the belief, that some additional labor in removing the obstructions from the bed of the river, which the company have been unable to accomplish, on account of their limited means, would render the Noxubee river equal to any stream in the state, of the same volume of water, in point of steamboat navigation. The company have never applied to the legislature for assistance, but having exhausted their means in furtherance of an object with which is connected the interest of a considerable portion of the citizens of the state, it is submitted to the legislature, if it would not be a wise appropriation of money arising from the sale of the 500,000 acres of land before alluded to, upon such streams in the state as the Noxubee, and others of equal importance.

Should the legislature adopt a just system of internal improvement, the committee feel warranted in saying that the people interested in the navigation of the Noxubee river will be able to give the most satisfactory security that the funds for its improvement would be faithfully applied to the same. All of which is respectfully submitted.

J. M. MAXCY,
Chairman.

Which was received and agreed to.

Mr. Allen, from the select committee to whom was referred the resolution in relation to the military academy at West Point, reported a memorial and resolution in relation to the same;

Which was received.

The question was then taken on agreeing to the report, and decided in the negative by yeas and nays as follows:

Those who voted in the affirmative, are,

Mr. Speaker, Abbott, Adams, Allen, Archer, Beaty, Buford, Carson, Chambers, Connell, Crain, Cypert, Dilworth of Monroe, Dilworth of Tishemingo, Ewing, Foster, Frost, Gibbs, Harrison, Holleman, Hyneman, Kennedy, Loper, McCaughan, McDonald, McInnis, Metcalf, Millsaps, Moody, Nash, Pope, Robertson, Rushing, Simmons, Smyth of Winston, Spann, Thompson, Wade, Walker, Warren, Weathersby, Woodbury—42.

Those who voted in the negative, are,

Messrs. Alcorn, Baily, Berry of Tippah, Binford, Brooks, Bynum, Campbell, Cannon, Cowan, Emanuel, Farrar, Fontaine, Fowles, Gilleland, Greene of Tippah, Griffin, Guy, Harris, Hinds, Hughs, Leigh, Lemly, Leonard, May, McAfee, McNabb, Moore, Netterville, North, Pendleton, Pettus, Potts, Randall, Rogers, Rossman, Sessions, Sharkey, Simrall, Singleton, Smith of Washington, Stuart, Totten and White—43.

Mr. Warren, from the standing committee on accounts, made the follgwing report:

Mr. Speaker—The joint standing committee on accounts, after a thorough examination of the books of the auditor of public accounts and state treasurer, together with the vouchers on file in their respective offices, have instructed me to report, that they found the various books, which serve as a check on each other in the auditor's office, neatly kept, the references from one to another,

simple and plain, and for the most part agreeing critically.

From the immense press of business which devolves upon that officer, he had not been able to examine and check his books with the vouchers, and consequently, some errors of a few cents were occasionally detected, which were easily rectified. Owing to the depreciated state of the warrants, it had become almost absolutely necessary for the accommodation of the state creditors, to issue a great number of small warrants. This system is still kept up, thereby causing nearly every mistake that has been discovered, encumbering the books at least three fold, and adding greatly to the labor of both the auditor and treasurer. In view of the future condition of the treasury, your committee are of opinion that but few warrants will be taken away, the holder preferring them cashed by the treasurer; I am therefore instructed to recommend, that hereafter no claim against the state shall be divided on different warrants. Your committee are convinced that the redemption of lands bid in by the state for taxes, has greatly increased the labor and responsibilities of the auditor; without allowing him any additional compensation, it is deemed most proper to recommend, that instead of giving him additional clerks, that he shall be allowed the same per cent. on all amounts heretofore and hereafter to be collected by him, that is allowed to tax collectors; and this, your committee think, will work no hardship to the state, as we find in every instance of redemption, the state has received sixteen per cent., amounting to no inconsiderable sum. Upon comparison of the last appropriation bill with the vouchers, it is found that *thirty-three* dollars were paid to Hendrick and Clyne, more than was authorized by said appropriation bill. In explanation, the auditor states that he drew his warrants in accordance with a manuscript, furnished him by the clerk of the house of representatives, purporting to be a true copy of the appropriation bill, and that he believes that there is a typographical error in the printed copy, which is not competent for your committee to decide, and therefore hold the auditor accountable for said sum. In the settlement of a large account with Hardin S. Adams, in which there were a number of warrants issued, your committee find that the auditor issued his warrants for *fifty dollars* too much, for which he is also held accountable. Also, in the account of Charles W. Moody there was no voucher for an entry in his favor for *nine dollars*. The above

are all the errors, not heretofore rectified, that your committee were able to discover; and we would here remark, that the great wonder is, that more mistakes in the great press of business has not occurred. Your committee are of opinion that the erection of a *counter* across the auditor's office, would be of great convenience and benefit to that officer, behind which settlements would be made and papers remain undisturbed by the crowds, which frequently assemble there. In reference to the auditor's office, your committee beg leave to make one other suggestion. It is very important that a book shall be kept, in which the name of every county, and individual, having transactions with the office, shall be *raised*, with the usual debit and credit on different pages, which at a glance would show the precise state of each account, thereby greatly simplyfying and preventing the possibility of impositions in the vast number of jury and witness tickets as is liable at present. And it is believed that enough of the labor will be cut off by the prevention of the farther issuance of more than one warrant to each claim, to enable the auditor with the present assistance to keep said books, especially if he shall be allowed a fair compensation for the redemption of lands.

Your committee take great pleasure in stating that upon a careful examination of the books and vouchers in the treasurer's office, but one error of twenty cents was discovered, and that was in favor of the state.

The register, journal, and disbursement books are all neatly kept, and agree in all the references with each other. Upon comparison of the books of the auditor and treasurer, there is a discrepancy of thirty-two dollars and sixty-six cents, the treasurer acknowledging the receipt into the treasury of that amount more than the auditor has charged against him. That officer having accounted for said amount to the state, your committee deemed it unnecessary to institute a labored investigation to ascertain at what particular time or place the discrepancy occurred. We find ninety-two thousand six hundred dollars in United States treasury notes, now in the treasury, on account of the two and three per cent. funds. The five millions of bonds issued on account of the Union bank, have been entered regularly on the treasurer's book, and are now canceled and lying in that office. Your committee would recommend that a *bond fire* be made of them in front of the

capitol on some day previous to the adjournment of the present session of the legislature. Your committee would present the same inducements for the erection of a counter across the treasurer's office, which induced the recommendation as to the auditor's. And in view of the probable future state of the treasury, it is believed that the money would not be safe in the office as at present, and would therefore recommend the erection of a fire proof vault in said office. Upon footing up the accounts of the treasurer, your committee find the sum of one hundred and sixty six dollars, sixty hundredths, due that officer on the 1st of January last.

The books of the commissioner of public buildings are found to be correct; and your committee beg to remark that it is believed that the legitimate duties of the treasurer will require the undivided attention of that officer; and consequently, if the additional duties of commissioner of public buildings shall be required of the treasurer, it is but just that a reasonable compensation shall be allowed him.

All of which is respectfully submitted.

WM. R. CANNON,
Chairman.

The above report was accompanied with two bills of the following titles, viz:

A bill to be entitled,

An act, to authorize the state treasurer to employ a clerk, and for other purposes;

A bill to be entitled,

An act, to authorize the state treasurer to erect a fire proof vault, and for other purposes;

Which were read the first time, and the report received and agreed to.

On motion of Mr. Cannon,

The rule was suspended, and the bill in reference to the treasurer's employing a clerk was read the second and third time.

On motion of Mr. Alcorn,

The bill was recommitted to the same committee.

On motion of Mr. Cannon,

The rule was suspended, and the bill to authorize the state treasurer to erect a fire proof vault, and for other purposes, was read the second time.

On motion of Mr. Warren,

The house resolved itself forthwith into committee of the whole on said bill,

Mr. Fontaine in the chair.

After some time spent therein, the committee rose, reported the bill back to the house as amended, and recommended its passage;

Which was received.

Mr. Fontaine offered the following amendment to the report:

Provided, The cost thereof do not exceed $1500;

Which was adopted.

The question was then taken on agreeing to the report as amended, and decided in the affirmative, and the bill ordered to be engrossed for a third reading on to-morrow.

Mr. Potts gave notice that he would move a reconsideration of the vote taken on the agreement to the report of the committee, to whom was referred a resolution to abolish the military academy at West Point.

The senate bill entitled,

An act, supplementary to an act, by which the time of holding the circuit court in the counties of Winston and Attala were changed, approved Feb. 20, 1846,

Was read three several times and passed.

The senate bill entitled,

An act, providing for the sale of the Chickasaw school lands,

Was read the first time.

Mr. Alcorn asked for a suspension of the rules;

Which was refused.

The senate bill entitled,

An act, to insert an amendment in the constitution of this state,

Was read the first time, and the question taken on its first passage by yeas and nays, agreeable to the constitution, and decided in the affirmative.

Those who voted in the affirmative, are,

Mr. Speaker, Messrs. Abbott, Adams, Alcorn, Allen, Archer, Baily, Beaty, Beene, Berry of Simpson, Berry of Tippah, Binford, Brooks, Buford, Bynum, Campbell, Cannon, Carson, Chambers, Connell, Cowan, Crain, Cushman, Cypert, Dilworth of Monroe, Dilworth of Tishemingo, Ewing, Farrar, Fontaine, Fowles, Frost, Gilleland, Green of Tippah, Griffin, Guy, Harris, Harrison, Hinds,

Holleman, Huie, Kennedy, Leigh, Lemly, Loper, Malone, Martin, McCaughan, McDonald, McInnis, McNabb, Metcall, Millsaps, Moody, Moore, Nash, Netterville, Pendleton, Pettus, Pope, Potts, Robertson, Rogers, Rushing, Sessions, Simrall, Simmons, Singleton, Smith of Washington, Smyth of Winston, Spann, Stuart, Thompson, Torrey, Totten, Wade, Walker, Warren, Weathersby and Woodbury—79.

Those who voted in the negative, are,

Messrs. Emanuel, Foster, Gibbs, Hyneman, May, North, Pendleton and White—8.

A message from the senate.

Mr. Speaker—The president of the senate has signed acts originating in the senate as follows:

An act, to repeal the fifth section of an act entitled an act for the more perfect organization of the superior court of chancery;

An act to repeal a part of an act entitled an act to attach a part of Perry county to the county of Harrison, approved January 24, 1844;

An act to incorporate the pastor, deacons and members of the first Baptist church, in Aberdeen;

An act, to incorporate the Holmesville turnpike company;

An act declaring bayou Tippah a navigable stream;

Which I am instructed to present to the speaker of the house for his signature.

The senate have concurred in the amendments made by the house of representatives to a bill from the senate to be entitled,

An act, to amend an act, reducing the fees of certain officers therein named, approved Feb. 18, 1844, so far as relates to the counties of Covington, Wayne, Jones, Clark, Green, Jackson, Harrison, Hancock, Perry and Marion.

The senate, pursuant to the resolution of the house of representatives, requesting to be furnished with the papers and evidences accompanying a bill for the relief of James Dowty, have herewith transmitted the same.

The senate have adopted a memorial to the congress of the United states in relation to the inundated lands in the state of Mississippi, between the mouth of the Yazoo river, and the northern boundary of the state, and a resolution.

The senate has passed a substitute to the original bill from the

house of representatives to be entitled, an act, requiring the liabilities of the president and directors of the rail road and turnpike company in the counties of Newton and Lauderdale, with their securities, to be put in suit.

The senate have passed the following bills:

A bill, to be entitled,

An act, to amend the constitution of the state of Mississippi;

A bill to be entitled,

An act, providing for the sale of the Chickasaw school lands;

In which I am instructed to desire the concurrence of the house of representatives.

The senate have passed the following bills from the house of Representatives:

A bill to be entitled,

An act, to regulate the mileage of members of the legislature;

A bill, to be entitled,

An act, to amend an act entitled an act to divide the police district, No. 4, in Carroll county, in which the towns of Shongalo and Middleton are situated, into two magistrates' districts, and for other purposes, approved July 18, 1843;

A bill to be entitled,

An act, to repeal the 8th section of an act entitled an act for the suppression of tippling houses, and to discourage and prevent the odious vice of drunkenness.

The senate have passed the following bill:

A bill, to be entitled,

An act, for the relief of Wm. L. Sharkey;

In which I am instructed to desire the concurrence of the house of representatives.

The senate memorial to the congress of the United States relative to certain inundated lands in this state,

Was read three several times and passed.

The substitute from the senate to the house bill entitled,

An act, requiring the securities of the president and directors of the rail road and turnpike company in the counties of Newton and Lauderdale, with their securities, to be put in suit,

Was read three several times and passed.

The senate bill, entitled,

An act, for the relief of William L. Sharkey,

Was read the first time.

Mr. McCaughan asked for a suspension of the rules;

Which was refused.

Mr. Sessions, from the joint standing committee on enrolled bills, made the following report:

Mr. Speaker—The joint standing committee on enrolled bills have this day examined,

An act, amendatory of an act to authorize appeals from the decisions of justices of the peace to the circuit courts, approved Feb. 22, 1842;

An act, supplemental to an act entitled an act to re-organize the judicial districts of this state, and for other purposes, approved Feb. 3, 1844;

An act, to reduce the compensation of the board of police for the county of Neshoba;

An act, for the relief of Elisha Fox;

An act, to prescribe the duties of the different boards of police in this state, and for other purposes;

An act, to repeal a part of an act entitled an act to attach a part of Perry county to the county of Harrison, approved January 24, 1844;

An act, to incorporate the pastor, deacons and members of the first Baptist church in the town of Aberdeen;

An act, to repeal the 5th section of an act entitled an act for the more perfect organization of the superior court of chancery;

An act, to incorporate the Holmesville turnpike company;

An act, declaring bayou Tippah a Navigable stream;

And have found the same correctly enrolled.

The unfinished business was then taken up, viz: the amendment offered by Mr. Hyneman, to the senate bill entitled,

An act, for the relief and benefit of the state hospital at Natchez.

The question was then taken on the motion of Mr. Simrall, previously made, to reject the amendment made by Mr. Hyneman, and decided in the affirmative:

Mr. Dilworth, of Tishemingo, moved the indefinite postponement of the bill;

Which was decided in the affirmative, by yeas and nays as follows:

Those who voted in the affirmative, are,

Mr. Speaker, Messrs. Abbott, Adams, Beaty, Beene, Berry of Simpson, Berry of Tippah, Binford, Brooks, Cannon, Connell, Cowan, Cushman, Cypert, Dilworth of Monroe, Dilworth of Tishemingo, Fontaine, Foster, Frost, Gibbs, Greene of Tippah, Griffin, Guy, Harris, Hinds, Holleman, Hyneman, Kennedy, Leigh, Leonard, Loper, Malone, Martin, McNabb, Millsaps, Moore, Pettus, Potts, Robertson, Rushing, Singleton, Smyth of Winston, Walker, Warren and Weathersby—45.

Those who voted in the negative, are,

Messrs. Alcorn, Allen, Baily, Buford, Carson, Chambers, Crain, Emanuel, Ewing, Fowles, Gilleland, Harrison, May, McAfee, McCaughan, McDonald, McInnis, Metcalf, Moody, Netterville, North, Pendleton, Pope, Randall, Rogers, Sessions, Simmons, Simrall, Smith of Washington, Spann, Thompson, Torrey, Wade and White—35.

The special order, viz:

The senate bill, entitled,

An act, to amend the several laws of the state in relation to the courts of probates, with the amendments made by the house,

Was read the third time, and,

On motion of Mr. Smith, of Washington,

The bill was recommitted to the judiciary committee.

On motion of Mr. Cypert,

The house adjourned until 3 o'clock, p. m.

THREE O'CLOCK P. M.

The house met pursuant to adjournment.

On motion of Mr. Alcorn,

The bill entitled,

An act, granting pre-emption rights to settlers on the 500,000 acres of state land in certain cases,

Was called from the orders of the day, and read the third time.

Mr. White offered the following amendment by way of ryder:

Provided, That absolute titles shall not vest in the pre-emptor until five years after the actual settlement and payment of said land by any pre-emptor;

Which was lost.

The question was then taken on the passage of the bill, and decided in the affirmative.

On motion of Mr. Beaty,

The senate bill entitled,

An act, to amend an act entitled an act to protect the rights of married women,

Was called from the orders of the day, and read the second time.

Mr. Totten offered the following amendment:

Amend, by striking out the 7th section,

Mr. Allen offered the following amendment to the amendment:

Amend, by adding that hereafter the *wife* shall always wear the *breeches*, and that the *husband* shall be compelled to sleep in the *trundle bed* with the *children*;

Which was decided by the chair to be out of order.

Mr. Totten was permitted to withdraw his amendment.

Mr. Simrall moved that the bill be referred to the judiciary committee;

Which was lost.

Mr. Pettus offered the following amendment:

SEC.—*Be it further enacted*, That hereafter any person, authorized by the laws of this state to solemnize the rights of matrimony, who shall cause the female party to such marriage ceremony to promise or covenant to obey, shall be deemed guilty of a high misdemeanor, and punishable, on indictment before the grand jury, with fine and imprisonment at the discretion of the court.

Mr. Buford moved the rejection of the amendment;

Which was sustained.

Mr. Smith of Washington renewed the motion of Mr. Totten to strike out the 7th section.

Mr. Walker moved to lay the bill and amendment on the table;

Which was decided in the negative by yeas and nays as follows:

Those who voted in the affirmative, are,

Messrs. Abbott, Allen, Beaty, Beene, Berry of Simpson, Bynum, Cannon, Connell, Crain, Cypert, Dilworth of Monroe, Dilworth of Tishemingo, Farrar, Frost, Gibbs, Guy, Holleman, Hyneman, Leigh, Loper, Martin, May, McAfee, McDonald, McInnis, Moody, Pettus, Rushing, Walker and Weathersby—30.

Those who voted in the negative, are,

Messrs. Adams, Alcorn, Archer, Berry of Tippah, Brooks, Buford, Carson, Cowan, Cushman, Emanuel, Ewing, Foster, Fowles, Greaves, Green of Tippah, Griffin, Harris, Harrison, Hinds, Kennedy, Lemly, Leonard, McCaughan, McNubb, Metcalf, Millsaps, Moore, Nash, Netterville, North, Pendleton, Pope, Potts, Randall, Rogers, Rossman, Sessions, Simmons, Simrall, Singleton, Smith of Washington, Smyth of Winston, Spann, Thompson, Torrey, Totten, Wade, Warren, White and Woodbury—51.

The question was then taken on the motion of Mr. Smith of Washington to strike out the 7th section, and decided in the negative by yeas and nays as follows:

Those who voted in the affirmative, are,

Messrs. Abbott, Adams, Alcorn, Beaty, Buford, Connell, Cowan, Cushman, Emanuel, Griffin, Harris, Harrison, Hinds, Kennedy, Lemly, McCaughan, Metcalf, Potts, Randall, Rossman, Sessions, Smith of Washington, Spann, Thompson, Torrey, Totten, Wade, Warren, Weathersby and White—30.

Those who voted in the negative, are,

Messrs. Allen, Archer, Baily, Beene, Berry of Simpson, Berry of Tippah, Brooks, Bynum, Cannon, Carson, Crain, Cypert, Dilworth of Monroe, Dilworth of Tishemingo, Ewing, Farrar, Foster, Fowles, Frost, Gibbs, Greaves, Guy, Holleman, Hyneman, Kelly, Leonard, Loper, Martin, May, McAfee, McDonald, McInnis, McNabb, Millsaps, Moody, Moore, Netterville, North, Pendleton, Pettus, Pope, Rogers, Rushing, Simmons, Simrall, Singleton, Smith of Winston, Walker and Woodbury—49.

Mr. Warren moved that the bill be referred to a select committee of five;

Which was lost.

Mr. Cannon offered the following amendment:

SEC.—*Be it further enacted*, That hereafter, all husbands claiming the benefits of this act, shall be required to sleep in the *trundle* bed and wash the children;

Which was decided by the chair to be out of order.

Mr. Warren offered the following amendment:

Strike out the personal property mentioned in the seventh section.

Mr. Walker called for the previous question;

Which was not sustained.

The chair then decided that the previous question being lost, it precluded the possibility of calling the previous question again on this subject on the same day.

On motion of Mr. Totten,

The vote taken on the previous question was reconsidered, and the motion withdrawn.

The question was then taken on the adoption of the amendment of Mr. Warren, viz: strike out personal property in the 7th section, wherever it occurs—and decided in the negative by yeas and nays as follows:

Those who voted the affirmative, are,

Messrs. Beaty, Buford, Cowan, Griffin, Harris, Harrison, Kennedy, Lemly, Potts, Rossman, Torrey, Totten, Wade, Warren and Weathersby—15.

Those who voted in the negative, are,

Messrs. Abbott, Adams, Aloorn, Allen, Archer, Baily, Beene, Berry of Simpson, Berry of Tippah, Brooks, Bynum, Campbell, Cannon, Carson, Connell, Crain, Cushman, Cypert, Dilworth of Monroe, Dilworth of Tishemingo, Ewing, Farrar, Foster, Fowles, Frost, Gibbs, Greaves, Guy, Holleman, Hyneman, Leigh, Leonard, Loper, Martin, McAfee, McCaughan, McDonald, McInnis, McNabb, Metcalf, Moody, Moore, Nash, Netterville, North, Pendleton, Pettus, Pope, Randall, Rogers, Rushing, Sessions, Simmons, Simrall, Singleton, Smith of Washington, Smyth of Winston, Spann, Stuart, Thompson, Walker, White and Woodbury—63.

Mr. Connell offered the following amendment:

Strike out the 6th section;

Which was lost.

Mr. Griffin offered the following amendment:

Amend section 6, by inserting husband, and before the word children;

Which was lost.

Mr. Simrall asked for a suspension of the rule;

Which was refused.

On motion of Mr. Simrall,

The bill was referred to the judiciary committee.

A message from the senate.

Mr. Speaker—The president of the senate has signed acts

originating in the house of representatives of the following titles:

An act, supplemental to an act entitled an act to reorganize the judicial districts of this state, and for other purposes, approved Feb. 3d, 1844;

An act, to reduce the compensation of the board of police for the county of Neshoba;

An act, amendatory of an act to authorize appeals from the decisions of justices of the peace to the circuit courts, approved Feb. 22, 1842;

An act, for the relief of Elisha Fox;

An act, to prescribe the duties of the different boards of police in this state, and for other purposes.

The senate have passed the following bills:

A bill, to be entitled,

An act, to construe and amend an act entitled an act to regulate the mode of obtaining license to sell vinous and spirituous liquors;

A bill to be entitled,

An act, to authorize the members of the several boards of county police to appoint leaders of patrols;

A memorial and resolution of the legislature of the state of Mississippi to congress, in relation to the improvement of the navigation of certain rivers.

In which I am instructed to desire the concurrence of the house of representatives.

Mr. Allen gave notice that he would move a reconsideration of the vote taken on yesterday, upon a bill for the relief of the Lexington asylum.

On motion of Mr. Guy,

The house adjourned.

WEDNESDAY MORNING, February 25th, 1846.

The house met pursuant to adjournment;

And its deliberations were opened with prayer by the Rev. Mr. Pinny, late Governor of Liberia.

Mr. Cannon, from the standing committee on accounts, to whom was recommitted,

A bill, to be entitled,

An act to authorize the state treasurer to employ a clerk, and for other purposes, reported the same back to the house with an amendment thereto;

Which was received.

Mr. Gibbs offered the following amendment to the report:

Amend the amendment by adding "that the owner or owners of any lands shall yay 3 per cent., when redeemed, and not to be paid out of the treasury;"

Which was lost.

The question was then taken on agreeing to the report of the committee, and decided in the negative by yeas and nays, as follows:

Those who voted in the affirmative, are,

Mr. Speaker, Messrs. Abbott, Adams, Buford, Cannon, Connell, Cowan, Ewing, Guy, Holleman, Hyneman, Leigh, Malone, Rushing, Totten, Wade and Warren—17.

Those who voted in the negative, are,

Messrs. Alcorn, Allen, Archer, Bailey, Beaty, Beene, Berry of Simpson, Berry of Tippah, Binford, Brooks, Bynum, Campbell, Carson, Chambers, Crain, Cushman, Cypert, Dilworth of Monroe, Dilworth of Tishemingo, Emanuel, Farrar, Fontaine, Foster, Fowles, Frost Gibbs, Greaves, Green of Tippah, Harris, Harrison, Hinds, Huie, Lemly, Leonard, Martin, May, McAfee, McDonald, McCaughan, McInnis, McNabb, Metcalf, Millsaps, Moody, Moore, Nash, Netterville, North, Pendleton, Pettus, Pope, Potts, Randall, Robertson, Rogers, Rossman, Sessions, Simmons, Simrall, Singleton, Smith of Washington, Smyth of Winston, Spann, Thompson, Torrey, Walker, Weathersby, White and Woodbury—69.

Mr. Totten, from the judiciary committee, to whom was referred,

A bill to be entitled,

An act to amend the several laws, in relation to courts of probates, reported the same back to the house, with sundry amendments thereto;

Which was received and agreed to, the bill read the third time, and passed as amended.

Mr. Totten, from the same committee, to whom was referred,

A bill, to be entitled,

An act to amend an act for the protection and preservation of the rights of married women, approved Feb. 15, 1839, reported the same back to the house without amendment, and recommended its passage;

Which was received.

The question was then taken on agreeing to the report, and decided in the affirmative by yeas and nays, as follows:

Those who voted in the affirmative, are,

Mr. Speaker, Messrs. Adams, Alcorn, Beaty, Binford, Brooks, Buford, Carson, Cowan, Emanuel, Ewing, Fowles, Gilleland, Greaves, Harris, Harrison, Kennedy, Leonard, McCaughan, McNabb, Metcalf, Nash, Netterville, North, Pendleton, Pope, Potts, Randall, Robertson, Rogers, Rossman, Sessions, Sharkey, Simmons, Simrall, Singleton, Smith of Washington, Smyth of Winston, Spann, Thompson, Torrey, Totten, Wade, White and Woodbury—45.

Those who voted in the negative, are,

Messrs. Abbott, Allen, Archer, Baily, Beene, Berry of Simpson, Berry of Tippah, Bynum, Campbell, Cannon, Connell, Crain, Cushman, Cypert, Dilworth of Monroe, Dilworth of Tishemingo, Farrar, Fontaine, Foster, Frost, Gibbs, Griffin, Guy, Hinds, Holeman, Hughs, Huie, Hyneman, Leigh, Lemly, Loper, Malone, Martin, McAfee, McDonald, McInnis, Millsaps, Moody, Moore, Pettus, Rushing, Stuart, Walker and Weathersby—44.

The report being agreed to, the bill was read the third time;

Mr. Pettus offered an amendment by way of ryder, as an additional section, viz:

Be it further enacted, That no husband, married after the passage of this act, shall be liable or bound for any debt contracted by his wife, previous to marriage, until all the separate property of said wife shall be exhausted; nor shall said husband be liable either at law or equity, for any debt contracted by his wife after

marriage; if, at the time of contracting said debt, the wife held separate property, under the provisions of this act;

Which was adopted by yeas and nays, as follows:

Those who voted in the affirmative, are,

Mr. Speaker, Messrs. Abbott, Adams, Allen, Archer, Baily, Beene, Berry of Simpson, Brooks, Bynum, Campbell, Cannon, Carson, Connell, Crain, Cushman, Cypert, Dilworth of Monroe, Dilworth of Tishemingo, Emanuel, Farrar, Fontaine, Foster, Fowles, Frost, Gibbs, Griffin, Guy, Harrison, Holleman, Hughs, Huie, Hyneman, Leigh, Loper, Malone, Martin, McAfee, McDonald, McInnis, McNabb, Millsaps, Moody, Moore, Nash, North, Pettus, Potts, Rogers, Rushing, Simmons, Singleton, Stuart, Walker and Weathersby—55.

Those who voted in the negative, are,

Messrs. Alcorn, Beaty, Berry of Tippah, Binford, Buford, Cowan, Ewing, Gilleland, Greaves, Harris, Hinds, Kennedy, Lemly, Leonard, McCaughan, Metcalf, Netterville, Pendleton, Pope, Randall, Robertson, Rogers, Rossman, Sessions, Sharkey, Simrall, Smith of Washington, Smyth of Winston, Spann, Thompson, Torrey, Totten, Wade, White and Woodbury—34.

Mr. Campbell offered the following amendment as an additional ryder:

SEC. —*And be it further enacted*, That where neither the husband or wife have plantations and negroes, the proceeds of his and their joint labor and industry shall be exempt from seizure and execution, for his or her debts and liabilities.

Mr. Totten moved the rejection of the ryder;

Which was decided in the affirmative by yeas and nays, as follows:

Those who voted in the affirmative, are,

Mr. Speaker, Messrs. Abbott, Alcorn, Baily, Beaty, Berry of Tippah, Binford, Brooks, Buford, Bynum, Carson, Cowan, Dilworth of Tishemingo, Emanuel, Ewing, Foster, Fowles, Gilleland, Greaves, Harris, Harrison, Hughs, Kennedy, Leonard, Malone, McNabb, Metcalf, Nash, Netterville, North, Pendleton, Pope, Robertson, Rogers, Rossman, Sessions, Sharkey, Simmons, Simrall, Singleton, Smith of Washington, Smyth of Winston, Spann, Torrey, Totten, Wade and White—47.

Those who voted in the negative, are,

Messrs. Adams, Allen, Archer, Beene, Berry of Simpson, Campbell, Cannon, Connell, Crain, Cushman, Cypert, Dilworth of Monroe, Farrar, Fontaine, Frost, Gibbs, Griffin, Guy, Hinds, Holleman, Huie, Hyneman, Leigh, Lemly, Loper, Martin, McAfee, McCaughan, McDonald, McInnis, Moody, Moore, Pettus, Potts, Randall, Rushing, Thompson, Walker, Weathersby and Woodbury—40.

Mr. Cannon offered the following amendment, by way of additional section:

SEC. — *Be it further enacted*, That the provisions of this act shall not extend to the counties of Oktibbeha and Pontotoc;

Which was decided by the chair to be out of order.

Mr. Brooks moved to reconsider the vote taken on the adoption of the ryder offered by Mr. Pettus.

On motion of Mr. Fontain,e

A call of the house was had.

On motion of Mr. Woodbury,

Mr. Chewning was granted leave of absence.

On motion of Mr. Dilworth of Tishemingo,

The further call of the house was dispensed with.

Mr. Fontaine moved that the house adjourn until 3 o'clock, p. m.;

Which was lost.

The question was then taken on the motion of Mr. Brooks, to reconsider the vote taken on the adoption of Mr. Pettus' ryder, and decided in the negative by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Alborn, Beaty, Berry of Tippah, Binford, Brooks, Buford, Carson, Cowan, Emanuel, Ewing, Foster, Gilleland, Greaves, Green of Tippah, Harris, Kennedy, Lemly, Leonard, Malone, McCaughan, Metcalf, Netterville, North, Pope, Randall, Robertson, Rossman, Sessions Sharkey, Singleton, Smith of Washington, Smyth of Winston, Spann, Thompson, Torrey, Totten, Wade and Warren—38.

Those who voted in the negative, are,

Mr. Speaker, Messrs. Abbott, Adams, Allen, Archer, Baily, Beene, Berry of Simpson, Bynum, Campbell, Cannon, Connell, Crain, Cushman, Cypert, Dilworth of Monroe, Dilworth of Tishemingo, Farrar, Fontaine, Fowles, Frost, Gibbs, Griffin, Guy, Harrison, Hinds, Holleman, Hughs, Huie, Hyneman, Leigh,

Loper, Martin, McAfee, McDonald, McInnis, McNabb, Millsaps, Moody, Moore, Nash, Pettus, Potts, Rogers, Rushing, Simmons, Simrall, Walker, Weathersby, White and Woodbury, —51.

The question was then taken on the passage of the bill with its ryder, and decided in the affirmative by yeas and nays, as follows:

Those who voted in the affirmative, are,

Mr. Speaker, Messrs. Adams, Alcorn, Beaty, Binford, Buford, Carson, Cowan, Emanuel, Ewing, Fowles, Gilleland, Greaves, Harris, Harrison, Kennedy, Leonard, Malone, McCaughan, McNabb, Metcalf Netterville, North, Pendleton, Pope, Potts, Randall, Robertson, Rogers, Rossman, Sessions, Sharkey, Simmons, Simrall, Singleton, Smith of Washington, Smyth of Winston, Stuart, Spann, Thompson, Torrey, Totten, Wade, White and Woodbury—45.

Those who voted in the negative, are,

Messrs. Abbott, Allen, Archer, Baily, Beene, Berry of Simpson, Berry of Tippah, Brooks, Bynum, Campbell, Cannon, Connell, Crain, Cushman, Cypert, Dilworth of Monroe, Dilworth of Tishemingo, Farrar, Fontaine, Foster, Frost, Gibbs, Griffin, Green of Tippah, Guy, Hinds, Holleman, Hughs, Huie, Hyneman, Leigh, Lemly, Loper, Martin, McAfee, McDonald, McInnis, Millsaps, Moody, Moore, Pettus, Rushing, Walker and Weathersby—44.

Mr. Connell offered the following amendment to the title, viz:

A bill to be entitled,

An act to protect the wrongs of the reckless and broken down married men in this state.

On motion of Mr. Gibbs,

The amendment was rejected by yeas and nays, as follows:

Those who voted in the affirmative, are,

Mr. Speaker, Messrs. Abbott, Adams, Alcorn, Allen, Archer, Beaty, Berry of Tippah, Binford, Brooks, Buford, Carson, Cowan, Dilworth of Tishemingo, Emanuel, Ewing, Farrar, Foster, Fowles, Gilleland, Greaves, Green of Tippah, Harris, Harrison, Kennedy, Leigh, Lemly, Leonard, Loper, Malone, McAfee, McCaughan, McNabb, Metcalf, Moore, Netterville, North, Pendleton, Pope, Potts, Randall, Robertson, Rogers, Rossman, Rushing, Sessions, Sharkey, Simmons, Simrall, Singleton, Smith of Washington,

Smyth of Winston, Spann, Thompson, Torrey, Totten, Wade, Warren, White and Woodbury—60.

Those who voted in the negative, are,

Messrs. Baily, Beene, Berry of Simpson, Bynum, Campbell, Cannon, Connell, Crain, Cushman, Cypert, Dilworth of Monroe, Fontaine, Frost, Gibbs, Griffin, Guy, Holleman, Martin, McDonald, McInnis, Millsaps, Moody, Pettus, Walker and Weathersby—25.

So the title was ordered to stand as stated.

A message from the senate, by Mr. Wilcox their secretary:

Mr. Speaker—The president of the senate has signed acts which originated in the senate of the following titles:

An act to require the liabilities of the president and directors of the rail road and turnpike company in the counties of Newton and Lauderdale, with their securities, to be put in suit;

An act to incorporate the Lexington and Honey Island turnpike company;

An act to amend an act reducing the fees of certain officers therein named, approved February 10, 1844, so far as relates to the counties of Covington, Wayne, Jones, &c.;

An act for the construction and repairing of levees in the county of Issaquena;

An act to incorporate the Monroe lodge, No. 39, of free and accepted masons, of Perry county.

An act supplementary to an act, by which the time of holding the circuit courts in the counties of Winston and Attala were changed, approved February 20, 1844;

A resolution granting leave of absence to the Hon. Stephen Cocke;

A resolution for the relief of Landy Lindsay;

A memorial to the congress of the United States, in relation to the inundated lands in the state of Mississippi, between the mouth of the Yazoo river, and the northern boundary of the state; and a resolution;

Which I am instructed to present to the speaker of the house for his signature.

The senate have passed the following bills:

A bill, to be entitled,

An act to incorporate the Columbus board of trade;

A bill, to be entitled,

An act to regulate the proceedings and practice in suits against the master, owner, overseer, and employer of slaves convicted of grand larceny;

In which I am instructed to desire the concurrence of the house of representatives.

The senate have passed a bill from the house of representatives, to be entitled,

An act to change the mode of collecting revenue of hawkers and pedlars,

And have made an amendment thereto;

In which I am instructed to desire the concurrence of the house of representatives.

The senate have passed a bill of the following title:

A bill, to be entitled,

An act to amend an act entitled an act to prescribe the mode of proceeding against incorporated banks for a violatson of their corporate franchizes, and against persons pretending to exercise corporate privileges under acts of incorporation, and for other purposes, approved February 26, 1843;

In which I am instructed to desire the concurrence of the house of represenatives.

On motion of Mr. Dilworth of Tishemingo,

The house adjourned until 3 o'clock, p. m.

3 O'CLOCK P. M.

The house met pursuant to adjournment.

On motion of Mr. Greaves,

The report of the committee on the opportionment bill was called up, and leave was given to correct a clerical error.

The question recurred in agreeing to the report.

On motion Mr. Lemly,

A call of the house was had.

On motion of Mr. Greaves,

Mr. Green of Hinds, was excused.

Mr. Campbell moved that the further call be dispensedwith;

Which was lost.

On motion of Mr. Walker,

Mr. York was granted leave of absence.

On motion of Mr. Hughs,

Mr. Maxcy was granted leave of absence.

On motion of Mr. Lemly,

The sergeant-at-arms was requested to go for the absentees.

On motion of Mr. Dilworth of Tishemingo,

The absentees were excused.

Mr. Adams offered the following amendment to the report:

Strike out "Bolivar," in line 20, and insert "Bolivar," after Holmes, in line 19.

On motion of Mr. Smith of Washington,

A call of the house was had.

On motion of Mr. Totten,

The further call was suspended.

Mr. Simrall rose to a point of order stating that it is incompetent for the house to excuse absent members, who are absent after a call of the house has been had, and the sergeant-at-arms has, by order, been sent for them, without the personal attendance of absentees, or the return of the officer that they cannot be found;

Which point was overruled by the chair.

The question was then taken on the amendment offered by Mr. Adams, and decided in the negative.

Mr. Allen offered the following amendment to the report:

Amend by striking out all after the enacting clause, and insert,

That the apportionment as it now stands, under the existing law of the land, shall be the apportionment for senators and representatives of the legislature of the state of Mississippi, at its future sessions.

On motion of Mr. Walker,

The amedment was rejected.

Mr. McAfee offered the following amendment to the report:

Strike out in line 33, Green, and insert Perry, and strike out Perry in line 34, and insert Green;

Which was adopted.

The question was then taken on agreeing to the report of the committee as amended and decided in the affirmative by yeas and nays as follows:

Those who voted in the affirmative, are,

Mr. Speaker, Messrs. Abbott, Archer, Baily, Beaty, Beene, Berry of Tippah, Binford, Brooks, Buford, Campbell, Cannon,

Carson, Connell, Cowan, Crain, Cushman, Cypert, Dilworth of Monroe, Dilworth of Tishemingo, Fontaine, Gibbs, Gilleland, Greaves, Green of Tippah, Griffin, Guy, Harris, Harrison, Hinds, Holleman, Hughs, Huie, Hyneman, Kennedy, Leigh, Malone, McAfee, Millsaps, Moore, Pope, Potts, Robertson, Rossman, Singleton, Smyth of Winston, Thompson, Torrey, Totten, Wade, Walker and Warren—52.

Those who voted in the negative, are,

Messrs. Adams, Alcorn, Allen, Berry of Simpson, Bynum, Chambers, Emanuel, Ewing, Farrar, Foster, Fowles, Frost, Lemly, Leonard, Loper, Martin, May, McCaughan, McDonald, McInnis, McNabb, Metcalf, Moody, Nash, Netterville, North, Pendleton, Pettus, Randall, Rogers, Rushing, Sessions, Sharkey, Simmons, Simrall, Smith of Washington, Stuart, Weathersby, White and Woodbury—40.

On motion of Mr. North,

The bill was considered as engrossed, and the bill read the third time, and passed by yeas and nays, as follows:

Those who voted in the affirmative, are,

Mr. Speaker, Messrs. Abbott, Archer, Baily, Beaty, Beene, Berry of Tippah, Binford, Brooks, Buford, Campbell, Cannon, Carson, Connell, Cowan, Crain, Cushman, Cypert, Dilworth of Monroe, Dilworth of Tishemingo, Fontaine, Gibbs, Gilleland, Greaves, Green of Tippah, Griffin, Guy, Harris, Harrison, Hinds, Holleman, Hughs, Huie, Hyneman, Kennedy, Leigh, Lemly, Leonard, Malone, McAfee, Millsaps, Moore, Pope, Potts, Robertson, Rossman, Singleton, Smyth of Winston, Thompson, Torrey, Totten, Wade, Walker and Warren—54.

Those who voted in the negative, are,

Messrs. Adams, Alcorn, Allen, Berry of Simpson, Bynum, Chambers, Emanuel, Ewing, Farrar, Foster, Fowles, Frost, Loper, Martin, May, McCaughan, McDonald, McInnis, McNabb, Metcalf, Moody, Nash, Netterville, North, Pendleton, Pettus, Randall, Rogers, Rushing, Sessions, Sharkey, Simmons, Simrall, Smith of Washington, Spann, Stuart, Weathersby, White and Woodbury—39.

Mr. Stuart moved a reconsideration of the vote taken on the bill better to secure the rights of married women;

Which was decided by the chair to be out of order, stating that

the gentleman recorded his name in the affirmative, after the result was announced.

Mr. Pettus appealed from the decision of the chair, stating that any member voting with the majority, may move a reconsideration of the vote, on the same or next day.

After some discussion, the appeal was withdrawn.

Mr. Pettus offered the following resolution:

Resolved by this house, That the clerk thereof be required to call on the senate and request the return of the bill to protect the rights of married women;

Which was lost.

Mr. Leonard gave notice that he would move a reconsideration of the vote taken on agreeing to the report of the committee to whom was referred the petition of sundry citizens of Yazoo county.

Mr. Sessions, from the joint standing committee on enrolled bills, made the following report:

Mr. Speaker—The joint standing committee on enrolled bills, have this day examined,

An act to amend an act entitled an act to divide the police district No. 4, in Carroll county, in which the towns of Shangola and Middleton are situated, into two magistrates districts, and for other purposes, approved July 18, 1843;

An act to repeal the 8th section of an act entitled an act for the suppression, of tippling houses, and to discourage and prevent the odious vice of drunkenness, approved February 9, 1839;

An act to regulate the mileage of members of the legislature;

An act for the constructing and repairing levees in the county of Issaquena;

A resolution granting leave of absence to the hon. Stephen Cocke;

An act to amend an act to reduce the fees of certain officers therein named, approved February 14, 1844, so far as relates to the counties of Covington, Wayne, Jones, &c.

Resolution for the relief of Landy Linsey;

An act to incorporate the Monroe lodge No. 39, of free and accepted masons of Perry county;

An act supplementary to an act by which the time of holding

the circuit courts in the counties of Winston and Attala were changed, approved Feb. 20, 1846.

An act to incorporate the Lexington and Honey Island turnpike company;

An act to require the liabilities of the president and directors of the rail road and turnpike company, in the counties of Newton and Lauderdale, with their securities, to be put in suit;

A memorial to the congress of the United States in relation to the inundated lands in the state of Mississippi, between the mouth of the Yazoo river and the northern boundary of the state, and a resolution;

And have found the same correctly enrolled.

The joint standing committee on enrolled bills, have this day presented to his excellency the governor, for his approval and signature, bills of the following titles, originating in the house of representatives:

An act to prescribe the duties of the different boards of police in this state, and for other purposes;

An act for the relief of Elisha Fox;

An act to reduce the compensation of the board of police for the county of Neshoba;

An act amendatory of an act to authorize appeals from the decisions of the justices of the peace to the circuit courts, approved February 22, 1842.

An act supplemental to an act entitled an act to re-organize the judicial districts of this state, and for other purposes, approved February 3, 1844;

Originating in the senate.

An act declaring bayou Tippah a navigable stream;

An act supplementary to an act to authorize the governor of the state of Mississippi, to appoint commissioners in other states;

An act incorporating the Holmesville turnpike company;

An act to incorporate the pastor, deacons and members of the 1st Baptist church in the town of Aberdeen;

An act to repeal the 5th section of an act entitled an act for the more perfect organization of the superior court of chancery;

An act to repeal a part of an act entitled an act to attach a part of Perry county to the county of Harrison, approved January 24, 1844.

The following message was received from his excellency the governor by Mr. Nicholson his private secretary:

MR. SPEAKER—His excellency the governor has approved and signed bills of the following titles:

An act for the relief of Elisha Fox;

An act to prescribe the duties of the different boards of police in this state, and for other purposes;

An act to reduce the compensation of the board of police for the county of Neshoba;

An act supplemental to an act entitled an act to re-organize the judicial districts of this state, and for other purposes, approved 3rd Feb., 1844;

An act amendatory of an act to authorize appeals from the decisions of justices of the peace, to the circuit courts, approved 22nd February, 1842.

Approved 25th February, 1846.

On motion of Mr. Adams,

The bill entitled,

An act for the relief of William Rawles, of Tunica county, was called from the orders of the day, and referred to a select committee of three, consisting of Messrs. May, Adams and Alcorn.

On motion of Mr. Adams,

The house adjourned until 7 o'clock, p. m.

7 O'CLOCK, EVENING.

The house met pursuant to adjournment.

On motion of Mr. Moore,

The house bill, entitled,

An act to alter the mode of obtaining and restricting the number of clerks of the two houses of the legislature was called from the orders of the day, and read the second time.

Mr. Moore moved to strike out "one enrolling and engrossing clerk," in the 1st section, and insert "two," and also, the same in the 2nd sction; also, strike out "one assistant clerk," in the 1st section, and insert "two;"

Which was sustained.

On motion of Mr. Moore,

The rule was suspended, and the bill read the third time.

Mr. Sessions offered the following amendment, by way of ryder:

That the pay of each clerk shall be the same, and shall be four dollars per diem;

The question was then taken on the passage of the bill with its ryder, and decided in the negative.

On motion of Mr. Millsaps,

The house concurred in the amendment made by the senate, to

A house bill, entitled,

An act to change the mode of collecting revenue of hawkers and pedlars.

The senate bill, entitled,

An act to regulate the proceedings and practice in suits against the master, owner, overseer and employer of slaves, convicted of grand larceny;

Was read the first time; and,

On motion of Mr. Allen,

The bill was rejected.

The senate bill entitled,

An act to incorporate the Columbus board of trade;

Was read three several times.

Mr. Alcorn offered the following amendment as an additional section:

Sec. — *Be it further enacted*, That said company shall not be allowed to issue any promisory notes, or deal in any bills of exchange.

Mr. Cushman moved the rejection of the ryder;

Which was lost.

The question was then taken on the adoption of the ryder, and decided in the affirmative.

The question was then taken on the passage of the bill with its ryder, and sustained.

The senate bill, entitled,

An act to authorize the several boards of police to appoint leaders of patrols;

Was read three several times.

Mr. Adams offered the following amendment as an additional section:

SEC. — *Be it further enacted*, That the leader of all patrols, appointed under this act, shall be slave holders;

Which was adopted.

The question was then taken on the passage of the bill as amended, and decided in the negative.

The senate memorial and resolution of the legislature of the state of Mississippi, to the congress of the United States;

Was read the first and second time.

Mr. Griffin offered the following amendment:

Insert, Big Black, Tallahatchie, Cold Water, Yok-na-pataffa and Yalobusha.

On motion of Mr. Bynum,

The amendment was rejected.

The rule being suspended, the memorial was read the third time, and passed.

The senate bill, entitled,

An act to construe and amend an act entitled an act to regulate the mode of obtaining license to sell vinous and spirituous liquors;

Was read the first and second time.

Mr. McCaughan offered the following amendment:

Provided, that the board of police shall grant no such license in any less sum than one hundred dollars; nor shall any license be granted to any person whatsoever, in any town or police beat, where a majority of the legal voters of such police beat or town are opposed thereto.

On motion of Mr. Berry of Simpson,

The amendment was rejected.

Mr. Metcalf offered the following amendment, by adding, "or in the county."

On motion of Mr. Beaty,

The amendment was rejected.

Mr. Potts offered the following amendment:

SEC. — *Be it further enacted*, That there shall be no license for less than one hundred dollars.

On motion of Mr. Berry of Simpson,

The amendment was rejected.

Mr. McCaughan offered the following amendment:

Be it further enacted, That in no case shall the board of police

in any county in this state, establish or receive a lower rate of license than one hundred dollars.

On motion of Mr. Berry of Simpson,

The amendment was rejected.

On motion of Mr. Ewing,

The rule was suspended, and the bill read the third time.

On motion of Mr. Cannon,

The whole subject was laid on the table.

The senate bill entitled,

An act to amend an act entitled an act to prescribe the mode of proceeding against incorporated banks for a violation of their corporate franchizes, and against persons pretending to exercise corporate privileges under acts of incorporation, and for other purposes, approved July 26, 1843;

Was read the first time.

Mr. Moody moved the rejection of the bill;

Which was lost by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Baily, Berry of Simpson, Bynum, Dilworth of Monroe, Emanuel, Foster, Fowles, Leonard, Loper, McAfee, Moody, Netterville, North, Pettus, Pope, Rogers, Rushing, Sharkey, Simrall, Spann and Stuart—21.

Those who voted in the negative, are,

Messrs. Abbott, Adams, Alcorn, Allen, Beaty, Beene, Berry of Tippah, Brooks, Buford, Campbell, Cannon, Chambers, Connell, Cowan, Crain, Cushman, Dilworth of Tishemingo, Farrar, Gibbs, Gilleland, Greaves, Green of Tippah, Griffin, Guy, Harris, Harrison, Hinds, Hughs, Hyneman, Leigh, Lemly, Malone, Martin, McCaughan, McDonald, McInnis, Metcalf, Millsaps, Nash, Pendleton, Potts, Randall, Robertson, Rossman, Sessions, Simmons, Singleton, Smith of Washington, Smyth of Winston, Thompson, Torrey, Totten, Wade, Walker and Woodbury—55.

Mr. Cushman asked for a suspension of the rules;

Which was refused.

Mr. Simrall moved that the house adjourn;

Which was lost.

Mr. Cushman moved that the bill be made the first special order of the day for a second reading on to-morrow at 12 o'clock;

Which was decided by the chair to be out of order.

Mr. Cushman appealed from the decision of the chair.

The question was then taken, "shall the decision of the chair be sustained?" and decided in the negative.

On motion of Mr. Cushman,

The bill was made the first special order of the day for to morrow at 12 o'clock.

On motion of Mr. Simrall,

The house adjourned.

THURSDAY MORNING, FEBRUARY 26, 1846.

The House met pursuant to adjournment;

Mr. Connell, from the joint standing committee on claims, to whom was referred,

A bill, to be entitled,

An act, for the relief of Alfred E. Lewis, sheriff of Jackson county, reported the same back to the house with an amendment thereto;

Which was received and agreed to, and the bill read the third time.

Mr. Alcorn, offered an amendment by way of ryder, authorizing the auditor of public accounts to issue his warrant upon the treasury, in favor of W. R. Roberson, former sheriff of Coahoma county, for the sum of $105 94, the sum being acknowledged due said Roberson by said auditor;

Which was adopted, and the bill passed with its ryder.

Mr. Connell, from the same committee, to whom was referred,

A bill to be entitled;

An act, for the relief of James M. Dowty, reported the same back to the house without amendment, and recommended its passage;

Which was received and agreed to, the bill read the third time and passed.

Mr. Hughs presented the claim of Samuel Matthews;

Which was referred to the committee on claims.

Mr. Totten, from the judiciary committee, to whom was referred a resolution of the house concerning treasury warrants found in the treasurer's safe, reported that no additional evidence has been

submitted to the committee, and the committee are therefore unable to give any additional information to the house on the subject, and ask to be discharged from its further consideration;

Which was received and laid on the table.

Mr. Totten, from the same committee, to whom was referred,

A bill to be entitled,

An act, amendatory and explanatory of an act to designate in what manner and in what courts suits shall be brought against the state of Mississippi, approved 15th February, 1833, reported the same back to the house, and deemed it inexpedient to pass the bill;

Which was received and agreed to.

Mr. Singleton, from the committee on propositions and grievances, to whom was referred the petition of A. Hardy, reported,

A bill to be entitled,

An act, for the relief of Bethany Hall and Abraham Hardy;

Which was read the first time, and the report received and agreed to.

On motion of Mr. Singleton,

The rule was suspended, and the bill read the second and third time, and passed with its title as stated.

Mr. Singleton, from the same committee, to whom was referred the petition of Thos. H. Allen, and A. Githes, in relation to the Tallahatchie turnpike and bridge company, reported that it is inexpedient to grant the prayer of the petitioners;

Which was received and agreed to.

Mr. Walker, from the joint standing committee on enrolled bills, reported that they have examined an act, to change the mode of collecting the revenue of hawkers and pedlars;

And have found the same correctly enrolled.

Mr. Cushman, from the committee on the seminary fund, to whom was referred a bill in relation to the state commissioner, and the commissioner of the seminary fund, reported the bill back to the house with sundry amendments thereto;

Which was received and agreed to, the bill read the third time and passed.

Mr. Carson, from the committee to whom was referred the petion of the citizens of Bolivar county, reported,

A bill to be entitled,

An act, to authorize the board of police of Bolivar county to

locate the seat of justice;

Which was read the first time, and the report received and agreed to.

On motion of Mr. Carson,

The rule was suspended, the bill read the 2nd and 3d time, and passed.

Mr. Griffin, from the select committee to whom was referred,

A bill entitled,

An act, to establish at the city of Jackson a vaccine depot, &c., reported the same back to the house with sundry amendments thereto;

Which was received.

Mr. Dilworth of Tishemingo moved that the report be laid on the table;

Which was decided in the negative by yeas and nays as follows:

Those who voted in the affirmative, are,

Messrs. Baily, Beene, Berry of Tippah, Binford, Brooks, Cannon, Cowan, Dilworth of Tishemingo, Gibbs, Green of Tippah, Guy, Hinds, Holleman, Hyneman, Leigh, Martin, McDonald, Millsaps, Moody, Robertson, Rushing, Walker and Warren—23.

Those who voted in the negative, are,

Mr. Speaker, Messrs. Abbott, Adams, Alcorn, Allen, Archer, Berry of Simpson, Buford, Bynum, Campbell, Carson, Chambers, Crain, Cypert, Dilworth of Monroe, Emanuel, Ewing, Farrar, Fontaine, Foster, Fowles, Frost, Gilleland, Greaves, Griffin, Harris, Harrison, Kennedy, Lemly, Malone, McAfee, McCaughan, McInnis, Moore, Nash, Netterville, North, Pendleton, Pettus, Pope, Randall, Rogers, Rossman, Sessions, Sharkey, Simmons, Simrall, Singleton, Smith of Washington, Smyth of Winston, Spann, Thompson, Torrey, Totten, Wade, Weathersby, White and Woodbury—59.

Mr. McCaughan offered the following amendment to the report:

Insert after "physicians," or the "citizens;"

Which was adopted.

Mr. Warren offered the following amendment:

And that a similar depot be, and is hereby established at Holly Springs, in the county of Marshall, with a branch at Ripley, in the county of Tippah;

Which was lost.

Mr. Warren offered the following amendment:

Strike out "Jackson," and insert "Lexington, in the county of Holmes."

On motion of Mr. McCaughan,

The amendment was rejected.

Mr. Warren offered the following amendment:

Strike out "four hundred dollars," and insert "eight hundred dollars."

The question was taken on striking out, and lost.

The question was then taken on agreeing to the report of the committee, as amended, and decided in the affirmative.

The question was then taken on the passage of the bill and decided in the affirmative by yeas and nays, as follows:

Those who voted in the affirmative, are,

Mr. Speaker, Messrs. Adams, Alcorn, Allen, Beaty, Berry of Simpson, Buford, Bynum, Campbell, Cowan, Chambers, Crain, Cushman, Emanuel, Ewing, Farrar, Fontaine, Foster, Fowles, Frost, Gilleland, Greaves, Griffin, Harris, Harrison, Kennedy, Lemly, Leonard, May, McAfee, McCaughan, McInnis, McNabb, Metcalf, Nash, Netterville, North, Pendleton, Pettus, Pope, Rogers, Rossman, Sessions, Sharkey, Simmons, Simrall, Singleton, Smith of Washington, Smyth of Winston, Spann, Thompson, Torrey, Totten, Wade, Weathersby, White and Woodbury—57.

Those who voted in the negative, are,

Messrs. Archer, Baily, Beene, Berry of Tippah, Binford, Brooks, Cannon, Cowan, Dilworth of Monroe, Dilworth of Tishemingo, Guy, Hinds, Holleman, Hyneman, Leigh, Loper, Martin, McDonald, Millsaps, Moore, Potts, Robertson, Rushing, Walker and Warren—25.

On motion of Mr. Emanuel,

The senate bill entitled,

An act, relating to the wharf and landing in the city of Vicksburg,

Was called from the table.

Mr. Emanuel offered an amendment as a substitute, striking out from the enacting clause, and inserting a new bill;

Which was adopted, the bill read the third time, and passed as amended.

On motion of Mr. Emanuel,

The title was amended by adding, "and for other purposes."

Mr. Simrall, from the select committee to whom was referred the senate bill, regulating the right of way on the banks of the Mississippi river, in this state, reported the same back to the house, and recommended that it do not pass;

Which was received and agreed to.

The special order was then taken up, viz:

The senate bill, relative to incorporated banks, and read the second time.

Mr. Singleton moved that the bill be made the first special order of the day for a third reading on to-morrow, at 12 o'clock.

Mr. Simrall offered an amendment by striking out from the enacting clause, and inserting a new bill, viz:

Strike out all from the enacting clause, and insert;

That any trustee or trustees heretofore appointed, or that may hereafter be appointed by any court of law in this state, under and by virtue of the act to which this is an amendment, shall have power in his or their own name or names as trustee or trustees, to commence and prosecute all suits at law or in equity, and defend in all cases where the interest of any bank represented by him or them is at stake; and to receive all evidences of debt, goods, effects, and property of every description belonging to such bank, and to do and execute all other acts and things in his or their own name or names, as trustee or trustees, which may be necessary and proper in the execution of his or their trust; and shall be clothed with all powers and rights for the collection of debts due to such bank, or for the recovery of property belonging thereto, which the bank possessed in virtue of its charter before the judgment of *ouster* was pronounced against it.

SEC. 2. *Be it further enacted*, That said courts of law, or the judges thereof, shall limit a time (not less than one year, nor more than two years,) for the creditors of such bank to present their claims to said trustee or trustees, and direct public notice to be given thereof, by publication in some newspaper published in the city of Jackson, in this state, for at least three months; and all claims not presented within the time allotted, *shall be barred*; it shall further be the duty of said trustee or trustees, to keep a well bound book in which he or they shall be compelled to register the name of each person presenting a claim, the date of its presenta-

tion, its nature and description, and its amount; and to endorse upon all claims the time when they were presented, and return the same to the owner. It shall also be his or their duty to allow all just claims against such bank, and reject such as are unjust, marking each claim as allowed or rejected, in the book required to be kept by him or them as aforesaid, collect the debts due such bank, sell its property and convert all its assets into money, and make report of all the claims allowed against such bank, as well as those rejected, and of his or their other proceedings to the courts or the judges thereof, at such time or times, and in such manner as the court or judge shall direct or approve, and give such notice as the court or judge shall prescribe, to any creditor whose claim shall have been rejected either in whole or in part. They shall receive in payment of all debts due said banks, whether due more than six years or not, the post notes, demand notes, bonds, and other evidences of the debts of the same, at par value. The court shall have power on hearing the complaint of any person who may feel himself agrieved by the action of the trustee or trustees, to grant such relief as the nature of the case may require; and the said courts may make such rules and orders touching the proceedings of said trustee or trustees, fix their compensation and other expenses, and regulate the distribution of the effects, payment of the debts and settlement of the concerns of such bank, as in their opinion may be just, and in conformity to the provisions of this act.

SEC. 3. *Be it further enacted*, That said trustee or trustees shall make out under oath, and file in said courts a true and perfect inventory of all property, goods and effects of every description belonging to such bank, so far as he or they know or believe, and in regard to debts due such bank, shall be set out in their parallel columns, marked good, doubtful, and desperate; and said trustee or trustees shall have power, by and with the consent of the court, to compound and compromise all or any of such doubtful or desperate debts; and said trustee or trustees shall also have power, and they are hereby directed to grant indulgence to any debtor of such bank; *Provided*, said debtor makes application to said trustee or trustees within twelve months after the passage of this act, and will well and safely secure his said debt in not less than two, nor more than ten equal annual instalments; *And provided*, That said trustees shall not, in such renewal, consolidate the interest due at the

time of such renewal with the principal, so as to make such interest hereafter bear interest; and such renewed debts shall hereafter bear interest at the rate of 6 per cent. per annum.

SEC. 4. *Be it further enacted*, That the avails of the assetts of such bank shall be appropriated as follows, to wit:—first, to the payment of the charges and expenses of settling its concerns; second, to the payment of dues to the state and county for taxes; third, to the payment of the bank notes and bills in equal proportions; fourth, to the payment of all deposits; fifth, to the payment of all other liabilities in equal proportions; and lastly, the surplus, if any, shall be paid to, and distributed among the stockholders in proportion to the amount of their stock.

SEC. 5. *Be it further enacted*, That any trustee or trustees that have heretofore been appointed, or that may hereafter be appointed by any of said courts, shall be compelled to enter into bond, the amount to be ascertained by the probable value of the assetts, in a penalty, and with security to be approved by the court or judge thereof, appointing him or them; which bond shall be made payable to the governor of this state for the time being, and his successors in office, conditioned that said trustee or trustees shall well and faithfully stand to, abide by and perform all and singular the requirements of this act, and also the act to which this is an amendment, and shall also stand to, abide by and perform such orders, rules and judgments, as the court appointing him or them, or the judge thereof shall make; and upon satisfactory proof being made to the court or the judge thereof, that the amount or security of such bond is insufficient, it shall be the duty of said court or judge, to require said trustee or trustees to give a new and sufficient bond, and on his or their failure to do so, the said court or judge shall remove said trustee or trustees, and appoint a successor or successors, who shall also give bond as required by this act; and in case of the death of said trustee or trustees, or his or their resignation, or otherwise refusing or neglecting to act, the said court, or the judge thereof, shall appoint a successor or successors, who shall also give bond as required by this act; and such newly appointed trustee or trustees, shall be vested with all the powers and authorities, and charged with all the duties of the original trustee or trustees; and that said judge may do all acts and things required in this section, either in vacation or term time.

SEC. 6. *Be it further enacted*, That no bank debtor, or defaulting bank stockholder, or bank director, or other bank officer, shall be eligible to the appointment of trustee.

SEC. 7. *Be it further enacted*, That this act take effect and be in force from and after its passage.

Mr. Singleton moved the rejection of the amendment;

Which was decided in the affirmative by yeas and nays as follows:

Those who voted in the affirmative, are,

Messrs. Abbott, Allen, Adams, Beene, Berry of Tippah, Binford, Buford, Campbell, Cannon, Carson, Chambers, Cowan, Cushman, Dilworth of Monroe, Farrar, Frost, Gibbs, Gilleland, Greaves, Green of Tippah, Griffin, Guy, Harris, Hinds, Holleman, Hughs, Hyneman, Kennedy, Leigh, Lemly, Malone, McAfee, McCaughan, McDonald, McNabb, Metcalf, Millsaps, Moody, Pendleton, Potts, Randall, Robertson, Rossman, Sessions, Singleton, Smith of Washington, Smyth of Winston, Stuart, Thompson, Torrey, Totten, Wade, Walker, Warren, Weathersby White and Woodbury—57.

Those who voted in the negative, are,

Mr. Speaker, Alcorn, Brooks, Baily, Beaty, Bynum, Cybert, Ewing, Fontaine, Foster, Fowles, Harrison, Leonard, Loper, Martin, McInnis, Nash, Netterville, North, Pettus, Pope, Rogers, Rushing, Sharkey, Simmons, Simrall and Spann—27.

Mr. Pettus offered the following amendment:

In the 4th section, 5th line, amend, by striking out the word "cash," and insert the words, "the notes of the bank to which said debt is due."

On motion of Mr. Gilleland,

The amendment was rejected.

Mr. Smith of Washington offered an amendment to strike out the 13th section.

Pending said motion, the house,

On motion of Mr. Walker,

Adjourned until half past three o'clock, p. m.

HALF PAST THREE O'CLOCK, P. M.

The house met pursuant to adjournment;

A message from the senate.

Mr. Speaker:—The senate have concurred in the amendment made by the house of representatives to the resolution from the senate, fixing on Monday, the 2nd March, for the adjournment *sine die* of both houses of the legislature.

The president of the senate has signed acts of the following titles, originating in the house of representatives:

An act, to repeal the 8th section of an act entitled an act for the suppression of tippling houses, and to discourage and prevent the odious vice of drunkenness, approved Feb. 9, 1839;

An act, to amend an act entitled an act to divide the police district No. 4, in Carroll county, in which the towns of Shongalo and Middleton are situated, into two magistrates districts, and for other purposes, approved July 18, 1843;

An act, to regulate the mileage of members of the legislature.

The senate have passed the following bills from the house of representatives:

A bill to be entitled,

An act, to fix an apportionment of the representatives and senators in this state,

And have made an amendment thereto;

In which I am instructed to desire the concurrence of the house of representatives.

Mr. Sessions, from the joint standing committee on enrolled bills, made the following report:

Mr. Speaker—The joint standing committee on enrolled bills, have this day presented to his excellency the governor, for his approval and signature, the following bills:

An act, for the construction and repairing levees in the county of Issaquena;

An act, to incorporate the Lexington and Honey Island turnpike company;

An act, to require the liabilities of the president and directors of the rail road and turnpike company in the counties of Newton and Lauderdale, with their securities, to be put in suit;

An act, to incorporate the Monroe lodge, No. 39, of free and accepted masons of Perry county;

An act, supplementary to an act by which the time of holding the circuit courts in the counties of Winston and Attala were changed, approved Feb. 20, 1846.

An act, to amend an act reducing the fees of certain officers therein named, approved Feb. 10, 1844, so far as relates to the counties of Covington, Wayne, Jones, &c.;

A memorial to the congress of the United States, in relation to the inundated lands in the state of Mississippi, between the mouth of the Yazoo river and the northern boundary of the state, and a resolution;

A resolution, granting leave of absence to the Hon. Stephen Cocke;

Resolution for the relief of Landly Lindsey.

The question recurred on the amendment offered by Mr. Smyth of Winston to the bank bill, viz: to strike out the 13th section.

Mr. McCaughan moved the rejection of the amendment.

On motion of Mr. Kennedy,

A call of the house was had, and the sergeant-at-arms requested to go for the absentees.

On motion of Mr. Kennedy,

The further call was suspended.

The question was then taken on the motion of Mr. McCaughan to reject, and decided in the affirmative.

On motion of Mr. Cushman,

The rule was suspended, and the bill was read the third time.

Mr. North offered an amendment by way of ryder, inserting additional sections;

Which was decided by the chair to be out of order, because of its irrelevancy.

The question was then taken on the passage of the bill, and decided in the affirmative by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Abbott, Allen, Beene, Berry of Tippah, Buford, Campbell, Cannon, Chambers, Crain, Cushman, Dilworth of Monroe, Dilworth of Tishemingo, Farrar, Gibbs, Gilleland, Greaves, Green of Tippah, Griffin, Guy, Harris, Hinds, Hughs, Hyneman, Kennedy, Leigh, Lemly, Malone, McAtee, McCaughan, McDonald, Met-

calf, Millsaps, Moore, Pendleton, Potts, Randall, Robertson, Rossman, Sessions, Singleton, Smith of Washington, Thompson, Torrey, Totten, Wade, Walker, Warren, Weathersby and Woodbury—51.

Those who voted in the negative, are,

Mr. Speaker, Alcorn, Archer, Baily, Beaty, Berry of Simpson, Binford, Brooks, Bynum, Connell, Cypert, Emanuel, Ewing, Fontaine, Foster, Fowles, Frost, Harrison, Holleman, Huie, Leonard, Loper, Martin, May, McInnis, McNabb, Moody, Nash, Netterville, North, Pettus, Pope, Rogers, Rushing, Sharkey, Simmons, Simrall, Smyth of Winston, Spann, Stuart and White—41.

Mr. Lemly moved that the message from the senate be suspended for the purpose of taking up the common school bill;

Which was lost.

On motion of Mr. Kennedy,

The house concurred in the first amendment made by the senate to the house bill entitled,

An act, to fix the apportionment of representatives and senators in this state.

On motion of Mr. Kennedy,

The 2nd amendment was concurred in.

On motion of Mr. Kennedy,

The revenue bill was called up, and the house resolved itself into committee of the whole on said bill,

Mr. Warren in the chair.

After some time spent therein, the committee rose, reported progress, and asked leave to set again on to-morrow at 10 o'clock;

Which was received and agreed to.

A message from the senate.

The senate have concurred in the amendment made by the house of representatives to a bill from the senate, to be entitled,

An act, to incorporate the Columbus board of trade;

Also, in the amendment to the bill to be entitled,

An act, relating to the wharf and landing in the city of Vicksburg;

Also to the amendment made by the house to the bill to be entitled,

An act, to establish in the city of Jackson a vaccine depot and agency for the state, with a view to the prevention of small pox.

The senate have passed the following bills:

A bill, to be entitled,

An act, to incorporate the town of Colbert, in the county of Lowndes;

A bill to be entitled,

An act, to incorporate the Holmesville navigation improvement company;

A bill to be entitled,

An act, relative to certain officers in Pike county;

In which I am instructed to desire the concurrence of the house of representatives.

The president of the senate has signed an act, originating in the house of representatives, of the following title;

An act, to change the mode of collecting revenue of hawkers and pedlars.

Mr. Sessions made the following report:

Mr. Speaker—The joint standing committee on enrolled bills have this day presented to his excellency, the governor, for his signature and approval, bills of the following titles, to wit:

An act, to amend an act entitled an act to divide police district No. 4 in Carroll county, in which the towns of Shongalo and Middleton are situated;

An act to regulate the mileage of members of the legislature;

An act, to repeal the eighth section of an act entitled an act for the suppression of tippling houses, and to discourage and prevent the odious vice of drunkenness, approved Feb. 9, 1839.

Mr. Simrall, by leave, introduced

A bill, to be entitled,

An act, to incorporate Wilkinson lodge, No. 19, of the independent order of odd fellows in the town of Woodville, Wilkinson county;

Which was read three several times and passed.

Mr. Pendleton, by leave, introduced

A bill, to be entitled,

An act, to explain and regulate the duties of inspectors of elections;

Which was read the first time.

Mr. Pendleton asked for a suspension of the rules;

Which was refused.

The following message was received from his excellency, the governor, by Mr. Nicholson, his private secretary:

Mr. Speaker—His excellency, the governor, has this day signed and approved bills of the following titles, which originated in the house of representatives;

An act, to regulate the mileage of members of the legislature;

An act, to repeal the 8th section of an act entitled an act for the suppression of tippling houses, and to discourage and prevent the odious vice of drunkenness, approved 9th February, 1839;

An act, to amend an act entitled an act, to divide police district, No. 4, in Carroll county, in which the towns of Shongalo and Middleton are situated, into two magistrates districts, and for other purposes, approved July 18, 1843;

Approved, 27th Feb. 1846.

On motion of Mr. Walker,

The house adjourned.

FRIDAY MORNING, February 27, 1846.

The house met pursuant to adjournment.

On motion of Mr. Kennedy,

Mr. Binford was granted leave of absence.

On motion of Mr. Guy,

Mr. Leigh was granted leave of absence.

Mr. May, from the select committee to whom was referred,

A bill, to be entitled,

An act for the relief of William Rawles, of Tunica county, reported the same back to the house with an amendment;

Which was received and agreed to, and the bill read the third time.

Mr. Dilworth of Tishemingo, offered an amendment by way of ryder, inserting an additional section;

Which was adopted, and the bill passed as amended.

The following communication was received from the state treasurer:

TREASURY DEPARTMENT,
Jackson, 26 Feb., 1846.

To the hon. the legislature of the State of Mississippi:

The undersigned had the honor at the commencement of the present session, to inform your honorable body, that specie would so accumulate in this department, that it would be necessary to provide new and safe receptacles for the public treasure. This event has occurred, and I now ask leave to inform the legislature, that there is cash enough now in the treasury room when counted, to fill the safe, the only place for its deposite in this room that locks. The insecurity of the pulic treasure in this room, not under lock and key, is apparent to all.

The undersigned, therefore, asks your honorable body to provide for him a place where he can keep the money of the state in safety. He is informed that there is a large safe in the Union bank, in this city.

Very respectfully,
your obedient servant,
WM. CLARK,
State Treasurer.

On motion of Mr. Kennedy,

The communication was laid on the table.

The following communication was received from the auditor of public accounts:

AUDITOR'S OFFICE,
Jackson, Feb. 24, 1846.

Hon. James Whitfield,
Speaker of the House of Representatives:

SIR: I have the honor to acknowledge the receipt of a resolution of the house of yesterday, requiring me to report to the house, as soon as convenient, a specific account of monies expended by me out of the contingent fund, appropriated to this office. In reply, I present the following detailed statement, viz:

1844.			
April	3	Warrant issued to Taylor & Arrington, for stationary for state offices,	$ 38 06
"	6	Warrant to Richard Elward & Co. for two disbursement books for treasurer's and auditor's offices, and printing the captions of both,	194 74

April	6	Warrant to Richard Elward & Co. for stationary for state offices,	33 83
"	22	Warrant to S. Tift, assignee of Thomas Whaley, for two blank books, five quires each,	10 00
"	25	Warrant to W. R. Gist, assignee of J. Kittrell for eight and a half cords of wood,	17 00
June	27	Warrant to Richard Elward & Co. for two record books for state offices,	78 75
July	10	Warrant to Richard Elward & Co. for a register, and printing captions for auditor,	71 43
"	19	Warrant to S. Isaacs, stationer, for yearly supply of stationary,	876 00
Aug.	19	Warrant to Richard Elward & Co. for blank books and stationary,	50 00
Nov.	9	Warrant to James Jackson for two cords of wood,	4 00
"	9	Warrant to J. Kittrell for 11 cords of wood,	22 00
Dec.	3	Warrant to J. Isaacs for four gross superior metalic pens,	12 00
"	4	Warrant to J. Isaacs for four gross superior metalic pens,	9 00
		Total amount for 1844,	$1,426 84
1845.			
Feb.	22	Warrant to J. E. Matthews, assignee of Samuel Matthews, for cutting up and furnising capitol with 89 cords of wood since March, 1844,	66 75
"	24	Warrants to J. Kittrell for 60½ cords of wood furnished the capitol,	121 00
"	20	Warrant to E. M. Avery, for notary wafers for secretary of state,	10 00
Mar.	29	Warrant to T. & J. Green for stationary,	4 37
April	23	Warrant to J. Kittrell for 35½ cords of wood furnished the capitol,	71 00
May	10	Warrant to Richard Elward & Co. for making journal and printing captions,	40 00
"	10	Warrant to Samuel Matthews for boy cutting up 35½ cords wood for capitol,	26 00
June	25	Warrant to A. Alexander for 10 gallons black ink and keg,	21 50
July	1	Warrant to Samuel Matthews for boy furnishing state offices with wood, water, fires, and cleaning up offices and furniture from November, 1844, to date,	49 00

Aug.	16	Warrant to James E. Matthews for cash advanced for large water jar for use of the capitol,	16 00
Sept.	25	Warrant to S. Isaacs for stationary for the state,	113 00
Oct.	3	Warrant to Samuel Matthews for boys furnishing water for use of capitol, and sweeping up and scouring offices and furniture since 1st July, 3 months,	64 75
"	3	Warrant to J. Shackelford for one box sperm candles, for use of capitol,	12 37
"	22	Warrant to Richard Elward & Co. for commissions register, for secretary of state,	35 00
Nov.	10	Warrants to S. Isaacs for stationary to supply legislature and state offices,	536 00
Dec.	2	Warrant to James Smith for coal stove for court room of high court of errors, and appeals,	60 30
"	8	Warrant to James Smith for coal stove for chancery court room,	63 40
"	17	Warrant to Joseph Spengler for five barrels of coal for use of high court of errors and appeals,	18 37
		Total amount for 1845,	$1,354 43

I will remark that I had some doubts whether the law granting a contingent fund to the auditor to enable him to furnish "books, stationary and fuel, for the legislature and state officers," authorized payments for water, cutting up the wood, sweeping and scouring up the furniture in the capitol, and state offices, &c. But upon consultation with the other officers, it was thought that as it could not be expected that the state officers should perform these labors themselves, and as they were for the benefit of the public, it was judged those payments were at least within the spirit of the law, and being appproved by the executive, they were made accordingly.

Very respectfully,
your obedient servant,
JAMES E. MATTHEWS,
Auditor of P. A.

On motion of Mr. Allen,

The communication was referred to a select committee of five.

consisting of Messrs. Allen, Greaves, Beaty, McCaughan and Abbott.

On motion of Mr. Whitfield,

The communication from the state treasurer, was called from the table and referred to the same committee.

Mr. Weathersby, by leave, introduced,

A bill to be entitled,

An act to regulate the mode of proceeding in suits brought for the recovery of physicians bills;

Which was read the first time.

Mr. Walker asked for a suspension of the rules,

Which was refused.

Mr. Brooks, by leave, introduced,

A bill to be entitled,

An act to amend an act entitled an act declaring the Noxubee river a navigable stream, approved 15th February, 1838, and for other purposes;

Which was read the first and second time,

On motion of Mr. Pettus,

The bill was referred to a select committee of five, consisting of Messrs. Brooks, Pettus, Metcalf, Gibbs and May.

Mr. Smith of Washington, by leave, introduced,

A bill, to be entitled,

An act to attach the county of Issaquena to the third judicial district, and for other purposes;

Which was read three several times, and passed.

Mr. Totten, by leave, introduced a preamble and resolution relative to the secretary of state returning a certain bill, in order that it may be corrected;

Which was adopted.

Mr. Metcalf, from the select committee to whom was referred the claim of S. R. Jones, reported,

A bill, to be entitled,

An act for the relief of S. R. Jones, of Scott county;

Which was read the first time and the report received and agreed to.

The rule being suspended, the bill was read the second and third time and passed.

On motion of Mr. McCaughan,

Resolved, That the committee on the judiciary be instructed to report a bill for a general law in this state, giving the several boards of police in this state the power to decide what streams shall be considered navigable, and what fines and penalties shall be inflicted and have imposed, for obstructing the same, in their respective counties.

The senate bill, entitled,

An act to incorporate the town of Colbert, in the county of Lowndes;

Was read the first, second and third time, and passed.

The senate bill entitled,

An act relative to certain officers in Pike county;

Was read three several times, and passed.

The senate bill, entitled,

An act to incorporate the Homochitto navigation improvement company;

Was read three several times, and passed.

Mr. Walker, from the standing committee on enrolled bills, made the following report:

Mr. Speaker—The joint standing committee on enrolled bills, have this day examined:

An act to fix the apportionment of representatives and senators in this state;

An act to incorporate the Columbus board of trade;

An act for the relief of James M. Dowty;

An act to amend an act entitled an act for the protection and preservation of the rights of married women, approved February, 15th, 1839;

An act to amend an act entitled an act to prescribe the mode of proceeding against incorporated banks for a violation of their corporate franchises, and against persons pretending to exercise corporate privileges under acts of incorporation, and for other purposes, approved July 26, 1843;

A memorial and resolution of the legislature of the state of Mississippi to congress, in relation to the improvement of the navigation of certain rivers;

And have found the same correctly enrolled.

The following message was received from the senate, by Mr. Wilcox, their secretary.

MR. SPEAKER—The senate have passed a resolution from the house of representatives, to be entitled,

An act in relation to an act for the relief of Thomas Jefferson Hill.

The senate have passed,

A bill to be entitled,

An act to regulate the practice and proceedings in the action of ejectment, and for other purposes;

In which I am instructed to desire the concurrence of the house of representatives.

The president of the senate has signed the following bills, originating in the senate:

An act to amend an act entitled an act to prescribe the mode of proceeding against incorporated banks, for a violation of their corporate franchises, and against persons pretending to exercise corporate privileges under acts of incorporation, and for other purposes, approved July 26, A. D. 1843;

An act for the relief of James M. Dowty;

An act to incorporate the Columbus board of trade;

An act to amend an act entitled an act for the protection and preservation of the rights of married women, approved February 15, 1839;

A memorial and resolutions of the legislature of the state of Mississippi to congress, in relation to the improvement of the navigation of certain rivers.

The senate have passed the following bills from the house of representatives:

A bill to be entitled,

An act to authorize the board of police of Bolivar county to locate the seat of justice;

A bill, to be entitled,

An act to incorporate Wilkinson lodge No. 10, of the independent order of odd fellows, in the town of Woodville in Wilkinson county,

The senate have concurred in the amendments made by the House of representatives, to a bill from the senate to be entitled,

An act to amend the several laws of this state in relation to courts of probate,

And have made an amendment to said amendment, by striking out the second section thereof;

In which I am instructed to desire the concurrence of the house of representatives.

The senate have passed the following bills:

A bill, to be entitled,

An act to authorize W. H. Scott, of the parish of Rapides, state of Louisiana, to remove the property of his child, Ellen C. Scott, a minor, from the county of Amite, in the state of Mississippi, to the state of Louisiana;

A bill, to be entitled,

An act to divide the state into four congressional districts,

And have made an amendment thereto by way of ryder;

In which I am instructed to desire the concurrence of the house of representatives.

The senate have passed a resolution to provide for the appointment of a commissioner of the sinking fund, town lot fund and university fund, &c.; also,

A bill to be entitled,

An act to authorize the board of police, of Issaquena county to employ a clerk to transcribe the records for said county;

In which I am instructed to desire the concurrence of the house of representatives.

The house resumed the consideration of the revenue bill, in committee of the whole;

Mr. Warren in the chair.

After some time spent therein, the committee rose, reported progress, and obtained leave to sit again at three o'clock, p. m.

Mr. Sharkey presented the communication of Z. S. Wardell, in relation to the purchase of a lot in the city of Jackson;

Which was referred to the committee on claims.

On motion of Mr. Warren,

The house adjourned until 3 o'clock p. m.

THREE O'CLOCK, P. M.

The house met pursuant to adjournment.

Mr. Moody was granted leave to withdraw a certain bill,

On motion of Mr. Cushman,

Resolved, That the secretary of state be requested to change the

name of Sarah Stovall, to that of Mary Stovall, in a bill passed at this session of the legislature.

On motion of Mr. Adams,

The senate bill in relation to incorporating the city of Yazoo, was called from the orders of the day, and referred to a select committee of five, consisting of Messrs. Adams, Allen, White, Woodbury and Leonard.

Mr. Hyneman, by leave, introduced,

A bill to be entitled,

An act to amend the militia laws of this state;

Which was read the first and second time; and,

On motion of Mr. Metcalf,

The bill was indefinitely postponed.

On motion of Mr. Warren,

The bill entitled,

An act supplemental to an act to restrict the sheriff of Itawamba county, from doing constable's business, and for other purposes, approved February 23, 1844;

Was called from the orders of the day, read the third time, and passed.

On motion of Mr. Harrison,

The bill entitled,

An act to amend an act entitled an act to incorporate the town of Pontotoc, in the county of Pontotoc, approved January 27, 1840;

Was called from the orders of the day, read the third time, and passed.

On motion of Mr. Allen,

The bill entitled,

An act to change the name of Thomas Henry Daniel to that of Smith Coffee Daniel;

Was called from the orders of the day, read the third time, and passed;

The senate bill, entitled,

An act to divide the state of Mississippi into four congressional districts;

Was read the first time.

Mr. Warren moved that the bill with its ryder be rejected.

On motion of Mr. Emanuel,

A call of the house was had.

Messrs. McNabb, Moore and Robertson were excused.

On motion of Mr. Cushman,

The further call of the house was dispensed with.

The question was then taken on Mr. Warren's motion to reject, and decided in the affirmative by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Abbott, Beene, Berry of Simpson, Berry of Tippah, Bynum, Campbell, Cannon, Carson, Chambers, Connell, Cowan, Crain, Cushman, Dilworth of Monroe, Frost, Gibbs, Gilleland, Greaves, Green of Tippah, Griffin, Guy, Harris, Hinds, Holleman, Huie, Hyneman, Kennedy, Lemly, Loper, Malone, Martin, McAfee, McCaughan, McDonald, Metcalf, Millsaps, Moody, Potts, Randall, Rossman, Singleton, Thompson, Totten, Wade, Walker, Warren and Weathersby—48.

Those who voted in the negative, are,

Mr. Speaker, Messrs. Adams, Alcorn, Allen, Archer, Beaty, Baily, Brooks, Cypert, Dilworth of Tishemingo, Emanuel, Farrar, Foster, Fowles, Green of Hinds, Harrison, Hughs, McInnis, Nash, Netterville, North, Pendleton, Pettus, Pope, Rogers, Rushing, Sessions, Sharkey, Simmons, Simrall, Smith of Washington, Smyth of Winston, Spann, Stuart, Torrey and White—35.

Mr. Totten presented to the house an enrolled bill for the relief of Thomas G. Hill, and by leave of the house, the clerk was directed to alter the "G," into "J," that being the proper name of the person.

The house resumed the consideration of the revenue bill, in committee of the whole;

Mr. Warren in the chair.

After some time spent therein, the committee rose, and recommended that it be recommitted to the committee of ways and means, with instructions to bring in a bill reducing the revenue not more than $25,000 below existing rates, and that said committee provide in said bill for annually assessing land according to its intrinsic value, by the assessor, instead of commissioners, as provided for on the pending bill;

Which was received.

Mr. Totten offered an amendmend to the first part of the report, viz:

With instructions to bring in a bill to reduce the taxes $52,000:

Mr. Warren offered the following amendment to the amendment:

Strike out $52,000, and insert $79,000.

Mr. Warren, by leave, withdrew his amendment.

Mr. Emanuel moved that the amendment offered by Mr. Totten, be rejected;

Which was decided in the negative by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Adams, Alcorn, Allen, Archer, Beaty, Brooks, Buford Carson, Cypert, Emanuel, Farrar, Fontaine, Foster, Fowler, Frost, Green of Hinds, Holleman, Lemly, Martin, McAfee, McCaughan, McInnis, Nash, Netterville, North, Pendleton, Pettus, Pope, Randall, Rogers, Rushing, Sessions, Sharkey, Simmons, Simrall, Smith of Washington, Smyth of Winston, Torrey and White—41.

Those who voted in the negative, are,

Mr. Speaker, Messrs. Abbott, Beene, Berry of Simpson, Berry of Tippah, Bynum, Campbell, Cannon, Chambers, Connell, Cowan, Crain, Dilworth of Monroe, Dilworth of Tishemingo, Gibbs, Gilleland, Greaves, Green of Tippah, Griffin, Guy, Harris, Hinds, Hughs, Huie, Hyneman, Kennedy, Loper, Malone, McDonald, Metcalf, Millsaps, Moody, Potts, Robertson, Singleton, Stuart, Thompson, Totten, Wade, Walker, Warren, and Weathersby, —42.

On motion of Mr. Fontaine,

A call of the house was had.

Mr. Harris moved that the further call be dispensed with;

Which was lost.

The sergeant-at-arms, brought in Mr. Leonard, who was excused.

Messrs. May, Rossman and Woodbury were excused.

On motion of Mr. Fontaine,

The further call was suspended.

The question was then taken on the adoption of the amendment offered by Mr. Totten, and decided in the affirmative by yeas and nays, as follows:

Those who voted in the affirmative, are,

Mr. Speaker, Messrs. Abbott, Beene, Berry of Simpson, Berry

of Tippah, Bynum, Campbell, Cannon, Chambers, Connell, Cowan, Crain, Dilworth of Monroe, Dilworth of Tishemingo, Frost, Gibbs, Gilleland, Greaves, Green of Tippah, Griffin, Guy, Harris, Hinds, Holleman, Hughs, Huie, Hyneman, Kennedy, Malone, McDonald, Metcalf, Millsaps, Moody, Moore, Potts, Robertson, Rossman, Simmons, Singleton, Stuart, Thompson, Totten, Wade, Walker, Warren and Weathersby—46.

Those who voted in the negative, are,

Messrs. Adams, Alcorn, Allen, Archer, Beaty, Brooks, Buford, Carson, Cypert, Emanuel, Farrar, Fontaine, Foster, Fowles, Green of Hinds, Harrison, Lemly, Leonard, Loper, Martin, May, McAfee, McCaughan, McInnis, Nash, Netterville, North, Pendleton, Pettus, Pope, Randall, Rogers, Rushing, Sessions, Sharkey, Simrall, Smith of Washington, Smyth of Winston, Torrey, White and Woodbury—41.

Mr. Kennedy offered the following amendment to the report:

Strike out and insert the words "a select committee."

On motion of Mr. Metcalf,

The amendment was rejected.

Mr. Alcorn offered the following amendment:

That the committee be instructed to embody in any bill that they may report, a provision setting apart any surplus that may accrue, for the payment of the bonds and coupons for interest, that were sold by the state of Mississippi, for stock in the Planters bank.

Mr. Metcalf moved the rejection of the amendment;

Which was decided in the affirmative by yeas and nays, as follows:

Those who voted in the affirmative, are,

Mr. Speaker, Messrs. Abbott, Beene, Berry of Simpson, Berry of Tippah, Bynum, Campbell, Cannon, Carson, Chambers, Connell Cowan, Crain, Dilworth of Monroe, Dilworth of Tishemingo, Gibbs, Gilleland, Greaves, Green of Tippah, Griffin, Guy, Harris, Hinds, Hughs, Hyneman, Kennedy, Malone, McCaughan, McDonald, Metcalf, Millsaps, Moody, Moore, Potts, Robertson, Singleton, Stuart, Thompson, Totten, Wade, Walker, Warren, Weathersby and Woodbury—48.

Those who voted in the negative, are,

Messrs. Adams, Alcorn, Allen, Beaty, Brooks, Buford, Cypert,

Ewing, Emanuel, Farrar, Fontaine, Foster, Fowles, Frost, Green of Hinds, Harrison, Holleman, Leonard, Loper, Lemly, Martin, May, McAfee, McInnis, Nash, Netterville, North, Pendleton, Pettus, Pope, Randall, Rogers, Rushing, Sessions, Sharkey, Simmons, Simrall, Smith of Washington, Smyth of Winston, Torrey and White—41.

The question was then taken on agreeing to the first clause of the report, as amended, and decided in the affirmative.

The question then recurred on agreeing to the second clause.

Mr. Green of Tippah, offered the following amendmendment:

That the real estate shall be given by the owner, on oath.

Pending the action on the above;

On motion of Mr. Sessions,

The house adjourned until 7 o'clock, p. m.

SEVEN O'CLOCK, P. M.

The house met pursuant to adjournment.

Mr. Sessions, from the joint standing committee on enrolled bills, made the following report:

Mr. Speaker—The joint standing committee on enrolled bills have this day presented to his excellency the governor for his signature, bills of the following titles, originating in the senate:

An act to incorporate the Columbus board of trustees;

An act for the relief of James M. Dowty;

An act to amend an act entitled an act to prescribe the mode of proceeding against incorporated banks for a violation of their corporate franchises, and against persons pretending to exercise corporate privileges under acts of incorporation, and for other purposes, approved July 26, 1843;

An act to amend an act entitled an act for the protection and preservation of the rights of married women, approved, February 15, 1837;

A memorial and resolution of the legislature of the state of Mississippi to congress, in relation to the improvement of the navigation of certain rivers,

Originating in the house of representatives.

An act to change the mode of collecting revenue of hawkers and pedlars.

On motion of Mr. Cannon,

The bill to be entitled,

An act to declare Line Creek a navigable stream, was called from the orders of the day, and passed.

On motion of Mr. Netterville,

The bill entitled,

An act to amend and define the boundary of the several counties in this state, passed 29th of June, 1822, was called from the orders of the day, and read the second time.

Mr. Fowles, offered an amendment by striking out all after the enacting clause and inserting a new bill.

Mr. Totten moved the rejection of the amendment;

Which was sustained.

On motion of Mr. Netterville,

The rule was suspended and the bill read the third time.

Mr. Fowles moved that the bill be laid on the table,

Which was lost.

The question was then taken on the passage of the bill, and decided in the affirmative.

A senate bill, entitled,

An act to authorize Wm. H. Scott, of the parish of Rapides, state of Louisiana, to remove the property of his child Ellen C. Scott, a minor of the county of Amite, in this state, to the state of Louisiana;

Was read three several times, and passed.

On motion of Mr. Whitfield,

The senate bill entitled,

An act to confirm the title of Joseph Stephens, of Rankin county, to a tract of land therein mentioned,

Was called from the orders of the day, read the second and third time, and passed with its title as stated.

Mr. Fontaine, by leave, introduced;

A bill to be entitled,

An act to provide for the sale of the 500,000 acres of land donated to the state of Mississippi, by an act of congress, approved the 8th September, A. D. 1841, and for other purposes;

Which was read the first time.

Mr. Harris moved the rejection of the bill;

Which was lost by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Alcorn, Beaty, Campbell, Carson, Chambers, Crain, Emanuel, Ewing, Farrar, Foster, Gilleland, Greaves, Harris, Harrison, Hughs, Kennedy, Lemly, Leonard, Loper, Martin, McAfee, McDonald, Metcalf, Nash, Pendleton, Pope, Randall, Rossman, Simmons, Singleton, Smyth of Winston, Spann, Thompson, Torrey, Weathersby and White—36.

Those who voted in the negative, are,

Mr. Speaker, Messrs. Abbott, Allen, Beane, Berry of Simpson, Berry of Tippah, Brooks, Buford, Bynum, Cannon, Connell, Cowan, Cypert, Dilworth of Monroe, Dilworth of Tishemingo, Fontaine, Fowles, Gibbs, Green of Tippah, Guy, Hinds, Hyneman, McCaughan, McInnis, Millsaps, Netterville, North, Pettus, Potts, Rogers, Sessions, Sharkey, Simrall, Smith of Washington, Stuart, Totten, Wade, Walker and Warren—39.

Mr. Fontaine asked for a suspension of the rules;

Which was refused.

On motion of Mr. Totten,

The bill supplementary to an act entitled an act to incorporate the Canton female academy of Madison county, approved, 5th of February, 1836,

Was called from the table and referred to the committee on education.

On motion of Mr. Totten,

The senate bill entitled,

An act to regulate the fees of sheriffs in certain cases,

Was called from the orders of the day, read the second and third time, and passed.

The senate bill, entitled,

An act to regulate the practice and proceedings in the action of ejectment, and for other purposes;

Was read the first time.

The senate bill to authorize the board of police of Issaquena to employ a clerk to transcribe into suitable books, the records of said county;

Was read the first and second time.

Mr. Alcorn offered an amendment by way of an additional section;

Which was adopted.

The rule being [illegible] the third time,

Mr. McCa[illegible] of rules as an additional section,

Which was adopted, [illegible] as follows,

On motion of Mr. [illegible]

The title was amended [illegible] "and for other purposes."

The senate bill to [illegible] commissioners of the sinking fund [illegible] was read the first time.

On motion of Mr. Allen,

The resolution [illegible] follows:

Those who voted in the affirmative, are

Messrs. Abbott, Allen, Berry, Carson, Chapman, Farrar, Foster, Fowles, Greaves, Grisel, [illegible], Harris, Harrison, Lemly, Leonard, Lefler, Martin, [illegible], McDonald, Nash, Waterville, North, Pettus, Randolph, Rogers, Russell, Sharkey, Simmons, Simrall, Singleton, Smith of Washington, Spahn, Thompson, Torrey, Wade, White and Woodbury—[illegible].

Those who voted in the negative, are

Mr. Speaker, Messrs. Abbott, Beene, Berry of Simpson, Berry of Tippah, Buford, Byrum, Chambers, Cowan, Cannon, Crain, Cypert, Dilworth of Tishemingo, Fontaine, Gibbs, Gilleland, Griffin, Guy, Hinds, Hughes, Hyneman, McAtee, McCaughan, Metcalf, Pendleton, Pope, Sessions, Smyth of Winston, Totten, Walker, Warren and Weathersby—33.

Mr. Cowan gave notice that he would move a reconsideration of the vote of the house respecting the senate bill dividing the state into four congressional districts.

On motion of Mr. Sessions,

The house disagreed to the amendment made by the senate to [illegible] amendment made by the house to

[illegible] senate bill, entitled,

[illegible] to amend the several laws of the state, in relation to [illegible] probate.

[illegible] by house, unamended,

[illegible] to be engrossed.

[illegible] to change the name of William Jameson Brown to that [illegible] Jameson Wilson.

Which was read three several times, and passed.

On motion of Mr. Thompson,

The house adjourned.

SATURDAY, FEBRUARY 28, 1846.

The house met pursuant to adjournment,

And its deliberations were opened with prayer by the Rev. Dr. Leavel of Jackson.

The following message was received from the senate, by Mr. Wilcox their secretary:

Mr. SPEAKER—The senate have adopted a resolution in relation to the 2 and 3 per cent. funds;

In which I am instructed to desire the concurrence of the house of representatives.

Mr. Brooks, from the select committee, to whom was referred,

A bill entitled;

An act, declaring Noxubee river a navigable stream, reported a new bill by striking out all after the enacting clause;

Which was received and agreed to, the bill read three several times and passed.

Mr. Sharkey, from the committee to whom was referred the petition of sundry citizens of Vicksburg, praying for the repeal of the 43d section of the charter of said city, reported that it is inexpedient to grant the prayer of the petitioner;

Which was received and agreed to.

Mr. Simrall, from the committee on incorporations, to whom was referred the petition of sundry citizens of the town of Kosciusko, accompanied with a bill, and also a counter remonstrance of other citizens of said town, reported the same back to the house, and recommended that it do not pass;

Which was received and agreed to.

Mr. McAlee, by leave, introduced

A bill, to be entitled,

An act, to authorize the board of police of Covington county to have transcribed into suitable books, the records of the probate court of said county;

Which was read three several times, and passed with its title as stated.

Mr. Dilworth of Tishemingo, by leave, introduced

A bill, to be entitled,

An act, to amend an act to provide for funding treasury warrants issued prior to the first day of January, 1841,

Which was read three several times, and passed with its title as stated.

On motion of Mr. Harris,

The senate bill, entitled,

An act, to regulate the practice and proceedings in the action of ejectment, and for other purposes,

Was called from the orders of the day, and referred to the judiciary committee.

On motion of Mr. Smith of Washington,

The senate bill entitled,

An act, to change the time of holding the circuit courts in the third judicial district in this state, and for other purposes,

Was called from the table.

On motion of Mr. Smith of Washington,

The bill was recommitted to a select committee of five, consisting of Messrs. Smith of Washington, Beaty, Singleton, Chewning and Greaves.

On motion of Mr. Kennedy,

Mr. Cannon was added to the committee.

Mr. Adams, from the select committee to whom was referred a senate bill to incorporate Yazoo city, reported the same back to the house, with sundry amendments thereto, and recommended its passage;

Which was received and agreed to, the bill read the third time and passed as amended.

The following message was received from his excellency the governor by Mr. Nicholson, his private secretary:

Mr. Speaker—His excellency, the governor, has approved and signed a bill of the following title, which originated in the house of representatives:

An act, to change the mode of collecting revenue of hawkers and pedlars.

Mr. Allen, from the standing committee on education, to whom

was referred a bill, supplementary to an act to incorporate the Canton female academy, reported the same back to the house with an amendment, by striking out from the enacting clause, and inserting a new bill;

Which was received and agreed to, the bill read the third time, and passed as amended.

Mr. Simmons, from the joint standing committee on enrolled bills, made the following report:

Mr. Speaker—The joint standing committee on enrolled bills, have this day examined,

An act, to incorporate Wilkinson lodge, No. 10, of the independent order of odd fellows in the town of Woodville, Wilkinson county;

An act, to authorize the board of police of Bolivar county to locate the seat of justice;

An act, to incorporate the town of Colbert in the county of Lowndes;

An act, to incorporate the Homochitto navigation improvement company;

An act, relating to a wharf and landing in the city of Vicksburg, and for other purposes;

And have found the same correctly enrolled.

On motion of Mr. Thompson,

The senate bill, entitled,

An act, to amend the constitution of the state of Mississippi,

Was called up and passed on its second reading by yeas and nays as follows:

Those who voted in the affirmative, are,

Mr. Speaker, Messrs. Abbott, Adams, Alcorn, Allen, Archer, Beene, Berry of Simpson, Berry of Tippah, Buford, Bynum, Cannon, Carson, Chambers, Cowan, Chewning, Crain, Cypert, Dilworth of Monroe, Dilworth of Tishemingo, Farrar, Fontaine, Foster, Fowles, Frost, Gibbs, Gilleland, Greaves, Green of Hinds, Griffin, Guy, Harris, Harrison, Hinds, Holleman, Hughs, Huie, Kennedy, Lemley, Loper, Malone, Martin, McAfee, McCaughan, McInnis, Metcalf, Millsaps, Moody, Nash, Netterville, Pendleton, Pettus, Pope, Randall, Robertson, Rogers, Rossman, Sessions, Simmons, Simrall, Singleton, Smyth of Winston, Spann, Stuart,

Thompson, Torrey, Totten, Wade, Walker, Warren, Weathersby, White and Woodbury—74.

Those who voted in the negative, are,

Messrs. Emanuel, Hyneman, North and Sharkey—4.

Mr. McCaughan offered the following reesolution:

Resolved, That hereafter, any member of this house, who shall without a sufficient excuse, to be approved by the house, be absent during any call of house, or when the yeas and nays are being taken on any question, shall forfeit his per diem for that day for the use of the common school fund.

On motion of Mr. Allen,

The resolution was laid on the table.

Mr. Alcorn offered the following resolution:

Resolved, That the select committee, to whom was referred,

A bill to be entitled,

An act, for the relief of settlers on the state and school lands, be instructed to bring in a bill, giving to the bona fide settler upon the school lands, a pre-emption right to one quarter section of the same, at $1 25 per acre; *Provided*, said settler makes it appear he was a settler upon the same at the time it was located. Also, to bring in a bill granting pre-emptions to those who may hereafter settle upon the state land, at the price of $2 50 per acre, to be paid in three equal annual instalments.

Mr. Totten moved that the resolution be laid on the table;

Which was decided in the negative by yeas and nays as follows:

Those who voted in the affirmative, are,

Mr. Speaker. Messrs. Abbott, Archer, Beene, Berry of Tippah, Buford, Bynum, Cannon, Chambers, Cowan, Crain, Cypert, Dilworth of Monroe, Dilworth of Tishemingo, Fontaine, Frost, Gibbs, Griffin, Guy, Hinds, Holleman, Hughs, Huie, Hyneman, Malone, Martin, Millsaps, North, Pendleton, Pettus, Potts, Robertson, Simmons, Singleton, Smyth of Winston, Stuart, Torrey, Totten, Walker and Warren—40.

Those who voted in the negative, are,

Messrs. Adams, Alcorn, Allen, Baily, Beaty, Campbell, Chewning, Emanuel, Farrar, Foster, Fowles, Gilleland, Greaves, Green of Hinds, Harris, Harrison, Kennedy, Lemley, Leonard, Loper, May, McAfee, McCaughan, McDonald, McInnis, Metcalf, Nash, Netterville, Pope, Randall, Rogers, Rossman, Rushing, Sessions,

Sharkey, Simrall, Smith of Washington, Spann, Thompson, Wade, Weathersby, White and Woodbury—43.

Mr. Hinds offered the following amendment:

Strike out "school lands," in the 5th and 6th lines, and insert "state lands."

Mr. Walker offered the following amendment as a substitute to the one offered by Mr. Hinds:

I move to strike out all the resolution which embraces the school lands, and thereby confine the instructions to the committee to the 500,000 acres, or state lands;

Which was accepted by Mr. Hinds.

The question was then taken on the adoption of the above amendment, and decided in the negative by yeas and nays as follows:

Those who voted in the affirmative, are,

Mr. Speaker, Messrs. Abbott, Archer, Berry of Tippah, Buford, Bynum, Connell, Cannon, Cowan, Crain, Cypert, Dilworth of Monroe, Dilworth of Tishemingo, Emanuel, Farrar, Fontaine, Gibbs, Griffin, Guy, Harrison, Hinds, Holleman, Hughs, Hyneman, Martin, May, Millsaps, Pettus, Potts, Robertson, Simmons, Singleton, Smyth of Winston, Totten, Walker and Weathersby—37.

Those who voted in the negative, are,

Messrs. Adams, Alcorn, Allen, Baily, Beaty, Berry of Simpson, Brooks, Campbell, Chambers, Chewning, Foster, Fowles, Frost, Gilleland, Greaves, Green of Hinds, Harris, Kennedy, Lemley, Leonard, Loper, McAfee, McCaughan, McDonald, Metcalf, Moody, Nash, Netterville, Pendleton, Pope, Randall, Rogers, Rossman, Rushing, Sessions, Sharkey, Simrall, Smith of Washington, Spann, Stuart, Thompson, Wade, White and Woodbury—44.

Mr. Adams offered the following amendment:

Strike out the latter clause after the word "located;"

Which was lost.

The question was then taken on the adoption of the original resolution offered by Mr. Alcorn, and decided in the affirmative by yeas and nays as follows:

Those who voted in the affirmative, are,

Messrs. Adams, Alcorn, Allen, Baily, Beaty, Berry of Simpson, Brooks, Campbell, Chewning, Emanuel, Foster, Fowles, Gilleland,

Greaves, Green of Hinds, Harris, Kennedy, Lemley, Loper, May, McAfee, McCaughan, McDonald, Metcalf, Moody, Nash, Netterville, Pendleton, Pope, Randall, Rogers, Rossman, Rushing, Sessions, Sharkey, Simall, Smith of Washington, Spann, Thompson, Wade, White and Woodbury—42.

Those who voted in the negative, are,

Mr. Speaker, Messrs. Abbott, Archer, Berry of Tippah, Buford, Bynum, Cannon, Connell, Cowan, Crain, Cypert, Dilworth of Monroe, Dilworth of Tishemingo, Farrar, Fontaine, Frost, Gibbs, Guy, Harrison, Hinds, Holleman, Hughs, Hyneman, Leonard Millsaps, Pettus, Potts, Robertson, Simmons, Singleton, Smyth of Winston, Stuart, Totten, Walker and Weathersby—36.

Mr. Sessions, from the joint standing committee on enrolled bills, made the following report:

Mr. Speaker—The committee on enrolled bills have this day examined,

A resolution, authorizing the secretary of state, to correct the enrolled bill entitled an act, in relation to the probate judge of Hinds county;

And have found the same correctly enrolled,

A message from the senate by Mr. Wilcox, their secretary:

Mr. Speaker—The president of the senate has signed the following acts which originated in the senate:

An act, to incorporate the Homochitto navigation improvement company;

An act, to incorporate the town of Colbert, in the county of Lowndes;

An act, relating to a wharf and landing in the city of Vicksburg, and for other purposes;

Which I am instructed to present to the speaker of the house of representatives for his signature.

Also, the following acts, originating in the house of representatives;

An act, to authorize the board of police of Bolivar county to locate the seat of justice;

An act, to fix the apportionment of representatives and senators in this state;

An act, to incorporate Wilkinson lodge, No. 10, of the indepen-

dent order of odd fellows in the town of Woodville, Wilkinson county.

The senate have passed the following bills:

A bill to be entitled,

An act, to authorize Joshua Bolton and Frances, his wife, to remove certain property to the state of Louisiana;

A bill, to be entitled,

An act, to authorize the revival of suits or judgments at law, by scire facias, and in equity by bill of revivor in certain cases;

In which I am instructed to desire the concurrence of the house of representatives.

The senate have concurred in the resolution from the house of representatives, authorizing the secretary of state to correct the enrolled bill entitled, an act, in relation to the probate judge of Hinds county, so as to make it read Mary Stovall instead of Sarah Stovall.

The senate have passed a bill from the house of representatives:

A bill to be entitled,

An act, to authorize the courts to tax prosecutors with costs in certain cases.

The unfinished business was then taken up, viz: the amendment of Mr. Green of Tippah to the latter clause of the report of the committee of the whole on the revenue bill, which is as follows:

"That the real estate shall be given by the owner on oath."

Mr. Potts offered the following amendment to the amendment:

"If the assessor have reason to believe that any tract of land is given in on oath, the law, it shall be the duty of said assessor to examine and place a fair value on said land, and furthermore, if said owner refuses to render up his land on oath, it shall be the duty of said officer to place a fair value on said land."

Which was adopted.

The question was then taken on the adoption of the amendment, as amended, and decided in the affirmative.

Mr. Pettus offered the following amendment to the 2nd clause of the report:

Amend, by striking out of the resolution "annually," and insert "every two years."

The question was then taken on striking out, and decided in the affirmative.

Mr. Totten moved to fill the blank with five years;
Which was lost.
Mr. McCaughan moved four years;
Which was lost.
Mr. Totten moved three years;
Which was lost.
On motion of Mr. Smith of Washington,
The blank was filled with two years.

The question was then taken on agreeing to the last clause of the report of the committee of the whole, as amended, and decided in the affirmative.

On motion of Mr. Gilleland,
Mr. Pope was granted leave of absence until Tuesday next.

On motion of Mr. Smith of Washington,
Mr. Loper was granted leave of absence.

Mr. Sessions, from the committee on enrolled bills, reported,

That they have presented to the governor, for his signature and approval,

A resolution, authorizing the secretary of state to correct the enrolled bill, relative to the probate judge of Hinds county.

The governor notified the house, that he had approved and signed a resolution, authorizing the secretary of state to correct the enrolled bill, relative to the probate judge of Hinds county.

A message from the senate by Mr. Wilcox their secretary:

The senate have passed the following bills from the house of representatives:

A bill, to be entitled,

An act, to amend and define the boundaries of the several counties in this state, passed June 29, 1822;

A bill to be entitled,

An act, to consolidate the officer of state commissioner and commissioner of the seminary fund, and for other purposes,

And have made an amendment thereto;

In which I am instructed to desire the concurrence of the house of representatives.

The senate have passed the following bill:

A bill to be entitled,

An act, to incorporate the town of Waterford, in Marshall county.

On motion of Mr. Singleton,

The house adjourned until 3 o'clock, p. m.

THREE O'CLOCK P. M.

The house met pursuant to adjournment.

On motion of Mr. Gilleland,

Leave of absence was granted to Mr. Metcalf for this evening.

On motion of Mr. Allen,

A call of the house was had.

On motion of Mr. McCaughan,

The further call was suspended.

Mr. Smith of Washington, from the select committee to whom was referred the senate bill to be entitled,

An act, to change the time of holding the circuit courts in the third judicial district in this state, and for other purposes, reported the same back to the house with sundry amendments thereto;

Which was received and agreed to, the bill read the third time and passed as amended.

The senate bill entitled,

An act, to authorize Joseph Benton and Frances, his wife, to remove certain property to the state of Louisiana,

Was read three several times, and passed with its title as stated.

On motion of Mr. Crain,

The bill to be entitled,

An act, to grant to Isham Daniel a charter for a ferry across Pearl river, in Leake county,

Was called from the orders of the day, read the third time and passed.

On motion of Mr. Berry of Tippah,

The bill to be entitled,

An act, to define in what justices districts suit may be be brought,

Was called from the orders of the day, read the second and third time, and passed with its title as stated.

On motion of Mr. Walker,

The senate bill entitled,

An act, appointing road inspectors in the counties of Chickasaw and Choctaw,

Was called from the orders of the day, and read the second time.

Mr. Singleton moved that it be referred to a select committee of five;

Which was lost.

On motion of Mr. Smith of Washington,

The bill was indefinitely postponed.

The senate resolution in relation to the two and three per cent. funds,

Was read three several times and passed.

The senate bill entitled,

An act, to authorize the revival of suits or judgments at law, by scire facias, and in equity, by bill of revivor, in certain cases,

Was read three several times and passed.

The senate bill to be entitled,

An act, to incorporate the town of Waterford, in Marshall county,

Was read three several times and passed.

On motion of Mr. Dilworth of Tishemingo,

The house concurred in the amendment made by the senate to The house bill, entitled,

An act to consolidate the office of state commissioner and commissioner of the seminary fund, and for other purposes.

On motion of Mr. McCaughan,

The house resolved itself into committee of the whole on its special order entitled,

An act to establish a system of common schools, and for other purposes;

Mr. Simrall in the chair.

After some time spent therein, the committee rose, reported the bill back to the house without amendment, and recommended its passage;

Which was received:

Mr. Kennedy offered the following amendment to the report:

Amend 4th line, 6th section, by striking out and inserting "the qualified electors."

On motion of Mr. Allen,

The amendment was rejected.

Mr. McCaughan offered the following amendment:

Amend 2nd section, line 3rd, "after June next," insert "or as soon as convenient, after that time."

On motion of Mr. Berry of Simpson,

The amendment was rejected.

Mr. McCaughan offered the following amendment:

Amend section 6th, line 3rd—after provided, strike out all to the end of the section, and insert, "that such special tax shall not be levied on the citizens of any township where a majority of the heads of famlies of such township are opposed thereto, and shall file their objections in writing with the clerk of the board of police, previous to the assessment of said tax; nor shall the benefits and privileges accruing under the provisions of the 6th and 7th sections of this act extend to the inhabitants of any such township, in any manner whatever."

On motion of Mr. Dilworth of Tishemingo,

The amendment was rejected.

Mr. McCaughan offered the following amendment:

Amend section 7, line 9, after the word Natchez, insert Jackson, Raymond, and at the end of line 9, insert "so long as they keep a a common school or schools therein, free for all the children of said cities and vicinity, for a distance of three miles from such cities.

On motion of Mr. Totten,

The amendment was rejected.

Mr. McCaughan offered the following amendment:

Amend section 7—after the end of this section, insert "and provided further, that when the whole amount of the common school fund provided for by this act shall not amount in any one fiscal year, to a sum equal to five dollars for each scholar, between the ages of 8 and 15 years, which shall have been kept at any of such common schools, at least four months in such year, such deficit shall be paid by the state treasurer out of any money in the state treasury, not otherwise appropriated, and the auditor of public accounts shall issue his warrant for the same upon satisfactory evidence being given by the school commissioners of such county, certified by the president of the respective boards of police, of the amount of such deficit, and the same shall be receivable for any taxes due the state treasury; *Provided*, that the board of school commissioners shall not be permitted to draw for such deficit, on the state treasury, until all the funds are exhausted which properly belong to the common school fund of such county."

On motion of Mr. Allen,

The amendment was rejected by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Allen, Archer, Beene, Berry of Simpson, Berry of Tippah, Campbell, Cannon, Connell, Crain, Dilworth of Monroe, Emanuel, Farrar, Fontaine, Fowles, Frost, Gibbs, Gilleland, Greaves, Griffin, Guy, Harris, Harrison, Hinds, Hughs, Hyneman, Lemly, Leonard, Malone, Martin, May, McDonald, Millsaps, Moody, Netterville, Pettus, Potts, Robertson, Rogers, Rossman, Sharkey, Simmons, Simrall, Singleton, Smith of Washington, Smyth of Winston, Spann, Stuart, Thompson, Torrey, Totten, Walker, White and Woodbury—53.

Those wh voted in the negative, are,

Messrs. Abbott, Adams, Alcorn, Beaty, Buford, Bynum, Chambers, Chewning, Cowan, Dilworth of Tishemingo, Foster, Green of Hinds, Holleman, Kennedy, McAfee, McCaughan, McInnis, Metcalf, Pendleton, Randall, Rushing, Sessions, Wade and Weathersby—23.

Mr. Beaty offered the following amendment:

Amend by inserting after 9th line of section 12,

Provided, that any township may be exempted from the provisions of this act, by a majority of the heads of families filing their protest with the clerk of the board of police, in their respective counties, on or before the first of March in each and every year; which protest being so filed, shall entitle the board of trustees of said township, to control and manage the funds arising from the lease of the 16th section in said township, as is already provided by the laws heretofore existing in relation to 16th sections.

The question was taken on the adoption of the amendment, and decided in the affirmative by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Abbott, Adams, Alcorn, Beaty, Berry of T., Buford, Bynum, Campbell, Cannon, Chambers, Connell, Cowan, Crain, Dilworth of M, Dilworth of T, Fontaine, Frost, Gibbs, Greaves, Green of Hinds, Guy, Harris, Harrison, Holleman, Hyneman, Kennedy, McCaughan, Metcalf, Millsaps, Pendleton, Pettus, Randall, Robertson, Simmons, Singleton, Smyth of Winston, Spann, Thompson, Totten, Wade, Walker and Woodbury—42.

Those who voted in the negative, are,

Messrs. Allen, Beene, Berry of Simpson, Chewning, Cypert, Emanuel, Farrar, Fowles, Gilleland, Hinds, Lemly, Leonard, Martin, May, McAfee, McDonald, McInnis, Moody, Nash, Netterville, Pettus, Rogers, Rossman, Rushing, Sessions, Sharkey, Simrall, Smith of Washington, Weathersby and White—30.

The following message from his excellency, the governor, by Mr. Nicholson his private secretary:

Mr. Speaker—His excellency, the governor, has this day approved and signed bills of the following titles:

An act to authorize the board of police of Bolivar county to locate the seat of justice;

An act to fix the apportionment of representatives and senators in this state;

An act to incorporate Wilkinson lodge No. 10, of the independent order of odd fellows, in the town of Woodville, Wilkinson county.

A message from the senate by Mr. Wilcox, their secretary:

Mr. Speaker—The senate have concurred in the amendments made by the house of representatives to a bill from the senate to be entitled,

An act to incorporate and establish the town of Yazoo city, and for revising and repealing all laws heretofore enacted an that subject;

Also, to the amendment to

The bill to be entitled,

An act to authorize the board of police of Issaquena county, to employ a clerk to transcribe the records of said county.

The senate have passed the following bill from the house of representatives:

A bill to be entitled,

An act for the relief of Wm. Rawles, of Tunica county, and W. W. Lasseter, of Coahoma, and Thos. Brewster, of Tishemingo.

The senate insist upon the amendment made to the amendment by the senate to the amendment of the house of representatives, to a bill from the senate,

To be entitled,

An act to amend the several laws of the state, in relation to courts of probate, and ask a committee of conference, and have

appointed on the part of the senate, Messrs. Guion, Miles and Matthews;

In which I am instructed to desire the concurrence of the house of representatives.

On motion of Mr. Kennedy,

The house adjourned.

MONDAY, March 2, 1846.

The speaker took the chair,

And upon a call of the house, there were only 31 members present.

After considerable delay, a quorum appeared, and the deliberations of the house were opened with prayer by the Rev. L. J. Halsey.

Mr. Adams, by leave, introduced,

A bill to be entitled,

An act to change the practice of the circuit court of Yazoo county, in relation to juries;

Which was read first, second and third time forthwith, and passed with its title as stated.

Mr. Emanuel, from the joint standing committee on public buildings, to whom was referred the report and bill, which they heretofore presented for the consideration of this house, have had the same under consideration, and beg leave to present the accompanying bill, and recommend its passsage.

The bill accompanying the above report entitled,

An act making compensation for the repairs on public buildings;

Was read the first and second time forthwith; and,

On motion of Mr. Emanuel,

The house resolved itself forthwith in committee of the whole on said bill;

Mr. Gilleland in the chair.

After sometime spent therein, the committee rose and reported the bill back to the house without amendment;

Which was received and agreed to, the bill read the third time, and passed with its title as stated.

On motion of Mr. Totten,

The committee on ways and means were permitted to sit during the session of the house.

The following message was received from the Senate, by Mr. Wilcox, their Secretary:

Mr. Speaker—The president of the senate has signed acts of the following titles originating in the senate:

An act to authorize William H. Scott, of the parish of Rapides, state of Louisiana, to remove the property of his child, Ellen C. Scott, a minor, from the county of Amite, in the state of Mississippi, to the state of Louisiana;

An act to confirm the title of Joseph Stevens, of Rankin county, to a tract of land therein mentioned;

An act to establish at the city of Jackson a vaccine depot, and agency for the state with a view to the prevention of Small pox;

An act to authorize Josiah and Frances Benton, to remove certain property to the state of Louisiana;

An act to regulate the fees of sheriffs in certain cases.

The senate have passed the following bills:

A bill, to be entitled,

An act to amend the laws now in force for the construction and repairing levees in the county of Washington;

A resolution granting leave of absence to the Hon. F. M. Rogers.

The senate have passed the following bills from the house of representatives:

A bill, to be entitled,

An act to declare Line creek a navigable stream;

A bill to be entitled,

An act to authorize the board of police of Covington county to have transcribed into suitable books, the records of the probate court of said county;

A bill, to be entitled,

An act supplementary to an act entitled an act to incorporate the Canton female academy of Madison county;

A bill, to be entitled,

An act to amend an act entitled an act to repeal an act to incorporate the town of Panola, in the county of Panola, approved January 27, 1840;

A bill to be entitled,

An act to change the name of William Jameson Hutson to that of William Jameson Wilson;

A bill, to be entitled,

An act to change the name of Thomas Henry Daniel to that of Smith Collier Daniel;

A bill, to be entitled,

An act to grant Isham Parrot a charter for a ferry across Pearl river in Leake county;

And have made an amendment thereto;

In which I am instructed to desire the concurrence of the house of representatives.

The senate have passed the following bills:

A bill, to be entitled,

An act to incorporate the Mississippi and Arkansas turnpike company;

A bill to be entitled,

An act to authorize John C. Pryor, John D. Fennil, John W. Vome, Frederick Coghill and James H. Murray, to sell the property known as the female academy, in the town of Hernando;

A bill to be entitled,

An act to amend the several acts incorporating the town of Salem, in the county of Tippah, as a substitute for one of the same title from the house of representatives;

In which I am instructed to desire the concurrence of the house of representatives.

The senate concurred in the amendments made, by the house of representatives, to the bill from the senate,

To be entitled,

An act to change the time of holding the circuit courts in the third judicial district in this state, and for other purposes.

Mr. Emanuel, from the joint standing committee on public buildings, to whom was referred the bill and report heretofore presented, reported,

A bill, to be entitled,

An act to authorize the construction of a fence to enclose the state house;

Which was read the first time, and the report received.

Mr. Totten moved, to amend the report by striking out 6,800 in the bill;

Which was lost.

The question was then taken on agreeing to the report of the committee, and decided in the affirmative by yeas and nays, as follows:

Those who voted in the affirmative, are,

Mr. Speaker, Messrs, Adams, Alcorn, Allen, Baily, Beaty, Berry of Simpson, Buford, Chambers, Chewning, Cushman, Emanuel, Farrar, Foster, Fowles, Greaves, Green of Hinds, Harris, Leimly, May, McAfee, McCaughan, McInnis, Netterville, North, Pendleton, Pettus, Randall, Rossman, Rushing, Sessions, Simrall, Singleton, Smith of Washington, Spann, Thompson, Torrey, White and Woodbury—39.

Those who voted in the negative, are,

Messrs. Abbott, Beene, Bynum, Cannon, Connell, Cowan, Grain, Cypert, Dilworth of Monroe, Dilworth of Tishemingo, Frost, Gibbs, Gilleland, Green of Tippah, Griffin, Guy, Harrison, Hinds, Holleman, Hyneman, Leonard, Loper, Malone, Martin, Metcalf, Millsaps, Moody, Nash, Potts, Robertson, Simmons, Smyth of Winston, Stuart, Totten and Walker—35.

On motion of Mr. Baily,

The bill was made the first special order for to-morrow at 11 o'clock for second reading, the house having refused to suspend the rule.

Mr. Simrall, from the judiciary committee, to whom was referred,

A senate bill entitled;

An act to regulate the practice and proceedings in the action of ejectment, and for other purposes, reported the same with an amendment, and recommended its passage;

Which was received and agreed to;

And the bill read the third time, and passed as amended.

Ordered, that the title stand as stated.

Mr. Walker, from the joint standing committee on enrolled bills, made the following report:

Mr. Speaker—The joint standing committee on enrolled bills, have this day examined,

An act to authorize the courts to tax prosecutors with costs in certain cases;

An act to consolidate the office of state commissioner and commissioner of the seminary fund, and for other purposes;

An act for the relief of William Rawles, of Tunica county, W. W. Lasseter, of Coahoma, and Thos. Brewster, of Tishemingo;

An act to amend an act, to define the boundaries of the several counties in this state, passed 29th June, A. D. 1822;

An act to confirm the title of Joseph Stevens of Rankin county, to a tract of land therein mentioned;

An act to establish at the city of Jackson a vaccine depot and agency for the state, with a view to the prevention of small pox;

An act to regulate the fees of sheriffs, in certain cases;

An act to authorize W. H. Scott, of the parish of Rapides, state of Louisiana, to remove the property of his child, Ellen C. Scott, a minor, from the county of Amite, in the state of Mississippi, to the state of Louisiana;

An act to authorize Josiah and Frances Benton to remove certain property to the state of Louisiana;

And have found the same correctly enrolled.

Mr. Singleton, from the standing committee on propositions and grievances, to whom was referred, the petition of G. G. Gregory, reported unfavorably to said petition;

Which was received and agreed to.

Mr. Singleton, from the same committee, to whom was referred the memorial of John M'Carty of Tallahatchie county, reported unfavorably to said petition;

Which was received and agreed to.

Mr. Singleton, from the same committee, to whom was referred the petition of the heirs of Washington Dorsey, deceased, reported a bill for the relief of the heirs of Washington Dorsey;

Which was read the first time and the report received and agreed to.

On motion of Mr. Totten,

The rule was suspended, the bill read the second and third time forthwith, and passed by yeas and nays, as follows:

Those who voted in the affirmative, are,

Mr. Speaker; Messrs. Adams, Alcorn, Allen, Archer, Beaty, Chambers, Chewning, Crain, Emanuel, Farrar, Fontaine, Foster, Fowles, Frost, Gilleland, Greaves, Harris, Harrison, Holleman,

Lemly, Leonard, May, McAfee, McCaughan, McInnis, Moody, Nash, Netterville, North, Pendleton, Pettus, Randall, Rossman, Rushing, Sessions, Simmons, Simrall, Singleton, Smith of Washington, Thompson, Torrey, White and Woodbury—44.

Those who voted in the negative, are,

Messrs. Beene, Berry of Simpson, Cannon, Connell, Cowan, Cushman, Cypert, Dilworth of Monroe, Dilworth of Tishemingo, Green of Tippah, Guy, Hinds, Hughs, Hyneman, Leper, Martin, Metcalf, Millsaps, Robertson, Smyth of Winston, Totten and Walker—22.

On motion of Mr. Totten,

Messrs. Campbell and Berry of Tippah, were granted leave of absence for the remainder of the session.

Mr. Moody, from the committee to whom was referred a bill to incorporate the Enterprize bridge company, in the county of Clark, reported the same back to the house, and recommended that it do not pass;

Which was received and agreed to.

Mr. Pettus, by leave, introduced,

A bill, to be entitled,

An act to prescribe the duties of jailors in relation to runaway slaves, and to fix the penalty for violating the same;

Which was read the first and second time, and referred to a select committee of three, consisting of Messrs. Pettus, Simrall and Berry of Simpson.

Mr. Emanuel, from the select committee, to whom was referred,

A bill, to be entitled,

An act to amend the charter of the city of Vicksburg, reported that it is inexpedient to legislate upon the same;

Which was received and agreed to.

Mr. Chewhing, from the select committee, to whom was referred the petition of sundry citizens of Sunflower county, reported,

A bill to be entitled,

An act to remove the county site of Sunflower county;

Which was read the first time, and the report received and agreed to.

The rule being suspended, the bill was read the second and third time, and passed.

Mr. Sessions, by leave, introduced,

A bill, to be entitled,

An act to amend an act to reduce the fees of certain officers therein mentioned, approved 10th Feb., 1844;

Which was read three several times, and passed.

On motion of Mr. Simrall,

The house concurred in the resolution asking a committee of conference on

The senate bill, entitled,

An act to amend the several laws of the state in relation to courts of probate;

The chair appointed on the part of the house, Messrs. Harris, Simrall, Totten, Cushman and Smith of Washington.

On motion of Mr. Harris,

The house concurred in the amendment made by the senate, to

A house bill, entitled,

An act to grant to Isham Daniel a charter for a ferry across Pearl river, in Leake county.

The substitute of the senate, to

The house bill, entitled,

An act to amend the several acts incorporating the town of Salem, in the county of Tippah;

Was read three several times, and passed.

The senate bill entitled,

An act to incorporate the Mississippi and Arkansas turnpike company;

Was read three several times, and passed.

The senate bill, entitled,

An act to authorize John C. Pryor, John D. Fennell, John W. Vance, Frederick Coghill and James H. Murray, to sell the property known as the female academy, in the town of Hernando, De Soto county;

Was read three several times, and passed.

The senate bill, entitled,

An act to amend the laws now in force for the construction and repairing levees in the county of Washington;

Was read three several times, and passed.

The senate resolution granting leave of absence to the hon. F. M. Rogers;

Was read three several times, and passed.

Mr. Walker made the following report:

Mr. Speaker.—The joint standing committee on enrolled bills, have this day presented to his excellency the governor, for his approval and signature:

An act to confirm the title of Joseph Stevens, of Rankin county, to a tract of land therein mentioned;

An act to authorize W. H. Scott, of the parish of Rapides, state of Louisiana, to remove the property of his child, Ellen C. Scott, a minor, from the county of Amite, in the state of Mississippi, to the state of Louisiana;

An act to establish at the city of Jackson a vaccine depot, and agency for the state, with a view to the prevention of small pox;

An act to regulate the fees of sheriffs in certain cases,

An act, to authorize Josiah and Frances Benton to remove certain property to the state of Louisiana;

The special order, viz:

The bill to be entitled,

An act to amend the constitution of the state;

Was read the third time, and passed by a vote of 72 for, and 5 against.

The house resolved itself into committee of the whole on its special order entitled,

An act to establish a system of common schools in this state;

Mr. Pettus in the chair.

After some time spent therein, the committee rose, reported the bill back to the house with an amendment, and recommended its passage;

Which was received.

Mr. Beaty offered an amendment to the report;

Which was decided to be out of order, the same having been voted down before.

The question was then taken on agreeing to the report of the committee, and decided in the affirmative.

Mr. Harris called for the previous question;

Which was sustained.

The question was then taken, "shall the amendments be considered as engrossed, and the bill as amended, read the third time?"

Which was decided in the affirmative.

Various amendments being offered, Mr. Allen called for the previous question;

Which was sustained, and the bill passed by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Allen, Archer, Baily, Beaty, Beene, Berry of Simpson, Buford, Bynum, Cannon, Chambers, Connell, Dikworth of Monroe, Emanuel, Ewing, Farrar, Fontaine, Foster, Fowles, Frost, Gilleland, Greaves, Green of Hinds, Griffin, Harris, Hinds, Holleman, Kennedy, Lemly, Leonard, Loper, Malone, Martin, McAfee, McCaughan, McDonald, McInnis, Metcalf, Millsaps, Moody, North, Pendleton, Pettus, Randall, Robertson, Rosenhan, Rushing, Sessions, Sharkey, Simrall, Singleton, Simmons, Spann, Stuart, Thompson, Torrey, Totten, Walker, Weatherby and Woodbury, —58.

Those who voted in the negative, are,

Mr. Speaker, Messrs. Abbott, Adams, Alcorn, Chewning, Crain, Cushman, Dilworth of Tishemingo, Gibbs, Guy, Harrison, Hughs, Hyneman, Potts, Smyth of Winston and Wade—16.

On motion of Mr. Allen,

The house adjourned until 3 o'clock p. m.

THREE O'CLOCK, P. M.

The house met pursuant to adjournment.

The following message was received from the senate by Mr. Wilcox their secretary:

MR. SPEAKER—The president of the senate has signed acts which originated in the house of representatives of the following titles:

An act to authorize the courts to tax prosecutors with costs in certain cases;

An act to amend an act to define the boundaries of the several counties in this state, passed 29th June, 1822;

An act for the relief of Wm. Rawles, of Tunica county, W. W. Lassetor, of Coahoma, and Thomas Brewster, of Tishemingo;

An act to consolidate the office of state commissioner and commissioner of the seminary fund, and for other purposes.

The senate have passed the following bills from the house of representatives:

A bill, to be entitled,

An act for the relief of Bethany Hall and Abram Hardy;

A bill to be entitled,

An act to change the practice of the circuit court of Yazoo county, in relation to juries, and have made an amendment thereto,

In which the concurrence of the house of representatives is desired.

The senate have passed the following bills:

A bill to be entitled,

An act to change the name of Samuel Moore Manahan, and for other purposes;

A bill to be entitled,

An act supplemental to an act approved January 19, 1846, entitled an act to reduce the price of the public printing;

And have made an amendment thereto,

In which I am instructed to desire the concurrence of the house of representatives.

On motion of Mr. Pendleton,

Resolved, That the committee on claims be instructed to report back to this house forthwith, the petition of the orphan asylum of the city of Natchez, together with all the testimony and documents accompanying the same, to be disposed of as this house may hereafter direct.

The house resolved itself into committee of the whole on its special order entitled,

An act to regulate the practice of the circuit courts of this state in certain cases;

Mr. Emanuel in the chair.

After some time spent therein, the committee rose, reported the bill back without amendment, and recommended its passage;

Which was received and agreed to, the bill read the third time, and passed.

On motion Mr. Greaves,

The house resolved itself into committee of the whole on,

The bill to be entitled,

An act to change the labor of convicts in the state penitentiary, and for other purposes;

Mr. Alcorn in the chair.

After some time spent therein, the committee rose, and reported the bill back to the house with an amendment, and recommended its passage;

Which was received and agreed to, the bill read the third time, and passed by yeas and nays, as follows:

Those who voted in the affirmative, are,

Mr. Speaker, Messrs. Abbott, Alcorn, Allen, Archer, Beaty, Beene, Berry of Simpson, Buford, Bynum, Cannon, Chewning, Connell, Cowan, Crain, Cushman, Cypert, Dilworth of Monroe, Emanuel, Ewing, Farrar, Fowles, Gilleland, Greaves, Green of Hinds, Harris, Harrison, Hinds, Kennedy, Lemly, Leonard, Malone, Martin, May, McAfee McCaughan, McDonald, McInnis, Moody, Nash, North, Pendleton, Pope, Potts, Randall, Rossman, Sessions, Sharkey, Simmons, Simrall, Singleton, Spann, Thompson, Torrey, Totten, White, Wade and Woodbury—57.

Those who voted in the negative, are,

Messrs. Carson, Chambers, Dilworth of Tishemingo, Fontaine, Foster, Frost, Gibbs, Green of Tippah, Griffin, Guy, Holleman, Hyneman, Loper, Metcalf, Millsaps, Pettus, Robertson, Rushing, Smyth of Winston, Stuart, Walker and Weathersby—22.

Mr. Harris obtained leave for Mr. T. P. Ware to make an affidavit relative to certain papers.

Mr. Wade, from the committee of ways and means, to whom was recommitted the report of said committee, with sundry amendatory instructions, reported the bill back with sundry amendments;

Which was received, and,

On motion of Mr. Fontaine,

Laid on the table.

On motion of Mr. Singleton,

Resolved, That the resolution heretofore adopted by this house, that it hold three night sessions in the week, be rescinded, and that hereafter this house sit every night until its final adjournment.

The special order, viz:

A bill to be entitled,

An act providing for the sale of the Chickasaw school lands, was,

On motion of Mr. Fontaine,

Indefinitely postponed.

According to previous notice,

The motion of Mr. Cowan to reconsider the vote taken on the

rejection of the senate bill to divide the state of Mississippi into four congressional districts,

Was taken up and the motion sustained.

The senate bill was then considered, and read the second time.

Mr. Totten offered an amendment, by striking out the first section, and inserting a new one in lieu thereof;

Which was adopted.

On motion of Mr. Totten,

The amendment was ordered to be engrossed, and the bill made the first special order for half past 10 o'clock, to-morrow.

On motion of Mr. Cushman,

The house adjourned until 7 o'clock, this evening.

SEVEN O'CLOCK, P. M.

The house met pursuant to adjournment.

The following message was received from his excellency the governor by Mr. Nicholson his private secretary:

MR. SPEAKER—His excellency the governor has approved and signed bills which originated in the house of representatives, of the following titles:

An act to authorize the courts to tax prosecutors with costs in certain cases;

An act to amend an act to define the boundaries of the several counties in this state, passed 29th June, A. D. 1822;

An act to consolidate the office of state commissioner and commissioner of the seminary fund, and for other purposes.

Approved 2nd March, 1846.

The motion previously made by Mr. Cushman, to reconsider the vote taken on the indefinite postponement of

A bill, to be entitled,

An act for the relief of the state hospital, at Natchez, was considered.

On motion of Mr. Walker,

A call of the house was had.

On motion of Mr. Berry of Simpson,

The further call of the house was suspended.

The question was then taken on the motion to reconsider, and decided in the affirmative, and the bill read the third time.

Mr. Dilworth of Tishemingo, offered an amendment by way of

ryder, extending the provisions of the act to the county of Tishemingo.

On motion of Mr. North,

The amendment was rejected.

The question was then taken on the passage of the bill, and decided in the negative by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Alcorn, Allen, Baily, Buford, Chewning, Emanuel, Ewing, Fowles, Gilleland, Greaves, Green of Hinds, Harris, Lemly, Leonard, McCaughan, McDonald, McInnis, Metcalf, Moody, Nash, North, Pendleton, Randall, Rossman, Sessions, Sharkey, Simmons, Simrall, Spann, Thompson, Torrey, Wade, White and Woodbury—34.

Those who voted in the negative, are,

Mr. Speaker, Messrs. Abbott, Adams, Archer, Beaty, Beene, Berry of Simpson, Bynum, Cannon, Connell, Cowan, Crain, Cushman, Cypert, Dilworth of Monroe, Dilworth of Tishemingo, Farrar, Foster, Gibbs, Griffin, Guy, Harrison, Hinds, Holleman, Hyneman, Kennedy, Loper, Malone, Martin, McAfee, Millsaps, Pettus, Potts, Robertson, Rushing, Singleton, Smyth of Winston, Totten, Walker and Weathersby—39.

Mr. Ware presented himself, and being sworn, proceeded to state at length, for the information of the house, all the information in his possession relative to certain, warrants in the treasury, claimed to be the property of T. P. C. Hammond.

On motion of Mr. Harris,

The resolution previously offered on that subject, was called from the table.

Mr. Abbott offered the following amendment:

That Wm. Clark, state treasurer, be and he is hereby authorized and instructed to give R. S. Graves, the late treasurer of the state, credit for the amount of the warrants found in the iron chest after Graves ran off.

Mr. Moody moved the rejection of the amendment.

The question was taken on the above motion, and decided in the affirmative by yeas and nays, as follows:

Those who voted in the affirmative, are,

Mr. Speaker, Messrs. Adams, Alcorn, Allen, Baily, Beaty, Beene, Berry of Simpson, Buford, Bynum, Chambers, Emanuel,

Ewing, Farrar, Foster, Fowles, Gilleland, Greaves, Green of Hinds, Harris, Harrison, Hinds, Hughs, Holleman, Hyneman, Kennedy, Lemly, Leonard, Malone, May, McAfee, McCaughan, McDonald, McInnis, Moody, Nash, North, Pendleton, Pettus, Randall, Robertson, Rushing, Sesssions, Sharkey, Simmons, Simrall, Singleton, Smyth of Winston, Spann, Thompson, Torrey, White, Wade and Woodbury—54.

Those who voted in the negative, are,

Messrs. Abbott, Cannon, Cushman, Chewning, Connell, Cowan, Dilworth of Monroe, Dilworth of Tishemingo, Fontaine, Gibbs, Griffin, Guy, Loper, Metcalf, Millsaps, Potts, Totten, Walker and Weathersby—19.

Mr. McAfee offered the following amendment:

An be it further enacted, That Mr. Hammond shall be required to enter into bond with sufficient security to save the state harmless, to be approved of by the governor of the state;

Which was adopted.

Mr. Sharkey moved that the resolution and amendment be laid on the table for the balance of the session;

Which was decided in the affirmative by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Abbott, Beene, Berry of Simpson, Buford, Bynum, Cannon, Carson, Chambers, Chewning, Connell, Cowan, Crain, Cushman, Cypert, Dilworth of Monroe, Dilworth of Tishemingo, Gibbs, Gilleland, Griffin, Guy, Hinds, Holleman, Hughs, Leonard, Loper, Malone, Martin, McDonald, Metcalf, North, Potts, Robertson, Rossman, Rushing, Sharkey, Simmons, Simrall, Singleton, Smyth of Winston, Spann, Torrey, Totten, Wade, Walker, Weathersby, White and Woodbury—48.

Those who voted in the negative, are,

Mr. Speaker, Messrs. Adams, Alcorn, Allen, Baily, Beaty, Emanuel, Ewing, Farrar, Foster, Fowles, Greaves, Green of Hinds, Harris, Harrison, Hyneman. Kennedy, Lemly, May, McAfee, McCaughan, McInnis, Moody, Nash, Pendleton, Pettus, Randall and Sessions—27.

On motion of Mr. Greaves,

The bill entitled,

An act to provide for the erection of common schools houses in the city of Jackson, and for other purposes;

Was called from the orders of the day, and read the second and third time, and passed.

On motion of Mr. Emanuel,

The senate bill for the relief of William S. Langley, was called from the orders of the day and read the second time.

Mr. Harris offered the following amendment:

Amend first section by adding after costs, "and attorneys fees;"

Which was adopted; the bill read the third time, and passed as amended.

On motion of Mr. Abbott,

The house adjourned.

TUESDAY, March 3, 1846.

The house met pursuant to adjournment.

Mr. Sessions, from the joint standing committee on enrolled bills, reported that they had presented to his excellency the governor, for his approval and signature, the following acts:

An act to authorize the courts to tax prosecutors with costs in certain cases;

An act to amend an act to define the boundaries of the several counties in this state, passed 29th June, 1822;

An act for the relief of William Rawles, of Tunica county, W. W. Lasseter, of Coahoma, and Thomas Brewster, of Tishemingo;

An act to consolidate the offices of state commissioner and commissioner of the seminary fund, and for other purposes.

On motion, of Mr. Farrar,

The senate bill, entitled,

An act to provide for the appointment of guardians in certain cases,

Was called from the orders of the day, read the second and third time, and passed with its title as stated.

Mr. Allen presented the petition of Asa Thompson, a citizen of the state of Louisiana;

Which was referred to a select committee of three, consisting of Messrs. Allen, Rossman and North.

Mr. McCaughan presented the petition of sundry citizens of Harrison county:

Which was referred to a select committee of three, consisting of Messrs. McCaughan, Randall and McInnis.

Mr. Chewning presented the petition of Ephraim Prowe, *et al*, of the county of Sunflower;

Which was referred to a select committee of three, consisting of Messrs. Chewning, Greaves and Alcorn.

Mr. Connell, from the joint standing committee on claims, made the following report:

Mr. SPEAKER—The joint standing committee on claims, to whom were referred sundry claims, have had the same under consideration, and have instructed me to report the following portion of the same back to the house, and to recommend that they be not allowed; all of which is respectfully submitted.

The claims allowed by the committee, are reported in a bill to the senate, by the chairman on the part of the same.

J. T. CONNELL,
Chairman, &c.

The following is a list of the rejected claims:

John Nolen, John V. Smith, Joshua H. Pool, George P. Anderson, J. D. W. Duckworth, Wm. Smith, Robert Henley, H. L. French, David H. Dickson, John Tate, J. M. Ross, M. D., Thos. J. Sartin, H. J. Nicholson, Wm. Duncan, W. P. Tisdale, James Carpenter, Michael Moore, Wm. H. White, do do, G. W. Henderson, David Cogdale, Silas L. Steen, James L. Weatherall, Wm. H. White, George W. Robinson, J. B. Marchbanks, Chas. W. Moody, Wm. Roland and others, Lewellen Patrick, Henry Furlaw and others, Benjamin Jones, Thos. W. Floyd, Geo. W. Smith, Hardin S. Adams, J. H. Buckner, Square Boone, R. Watts, Joshua Terral, Jas. Harris, R. Watts, J. D. W. Duckworth, Wm. Henry, R. J. Thornton, John Lindsay, Samuel Moore, (petition,) James M. Evans, G. W. Johnston, do, Orphan Asylum, (petition,) James L. Jolley, Charles W. Moody, S. N. Pryor, Edward L. Bowen, A. B. Lanies, and others, R. J. Hyneman, Thos. Holliday, benefit of J. C. Ware, A. E. Betts, Henry Henkly, Daniel Thomas, Richard Johnson, A. Mengers, Wm. Clark,

W. P. Cherry, Richard M. Johnson, B. C. Hartwell, Jeremiah Crook, Jacob Roberts, Walter Denny, Jeremiah Crook, Robert W. Woods, James C. Forrest, Chas. W. Moody, R. M. Cade, H. J. Nicholson, F. A. W. Davis, Samuel H. Cochran, Thos. W. Floyd, W. H. Jacobs, W. W. Smith, W. Hundley, Joshua B. Marchbanks, Wm. P. Tisdale, P. Poindexter, J. A. Furgerson, Thos. C. Furgerson, R. M. Cade, Jacob Burden, Wm. McCaskill, T. P. Ware.

Which was received and agreed to.

On motion of Mr. Lemly,

The members were permitted to withdraw the claims that are rejected.

Mr. Sharkey presented the petition of John H. McDaniel, of Warren county;

Which was referred to a select committee of three, consisting of Messrs. Sharkey, Sessions and Smith of Washington.

Mr. Sharkey presented the petition of sundry holders of the bonds of the Union Bank;

Which was referred to the committee on claims.

Mr. Buford presented the petition of sundry citizens of Lafayette county;

Which was referred to the committee on county boundaries.

Mr. Singleton, from the committee on propositions and grievances, to whom was referred the bill authorizing Jefferson M. Gray bill to digest the statute laws of the state of Mississippi, reported that it is inexpedient to legislate on the subject;

Which was received and agreed to.

Mr. Sharkey made the following report:

Mr. Speaker—The committee on the Planters' Bank bonds, to whom was referred the petition of J. M. Henriques, praying for an appropriation to pay the interest on certain specified bonds of the state of Mississippi, sold for stock in the Planters' Bank, have had the same under consideration, and have instructed me to report,

That the committee believes it the imperative duty of the legislature to make provision for the payment of all, principal and interest due, and to fall due, on account of said bonds, and have heretofore reported a bill, (which they refer to,) intended to accom-

plish that desirable object so far as this committee was clothed with power to recommend.

The committee have seen nothing in the petition above referred to, which calls for a special recommendation, and are of opinion that the interest and coupons above referred to, ought to be paid as other interest; all of which is respectfully submitted.

J. E. SHARKEY,
Chairman.

Which was received and agreed to.

Mr. Kennedy, from the select committee, to whom was referred A bill entitled,

An act to prescribe the duties of jailors in relation to runaway slaves, reported the same back to the house with an amendment thereto;

Which was received and agreed to, the bill read the third time, and passed as amended.

Mr. Simrall made the following report:

Mr. Speaker—The committee of conference in relation to the subject of disagreement between the senate and house of representatives, touching amendments made to

The bill to be entitled,

An act to amend the several laws of the state in relation to courts of probates, have had the subject of disagreement under consideration, and have instructed me to report as follows, to-wit:

Committee recommended that the senate recede from their amendment to the second section of the amendment by the house of representatives, and that the house recede from all of said amendment after the word "law," in the seventeenth line of said section, and add to said section the following proviso, to-wit:

Provided, That this section shall not apply to claims of less amount than twenty dollars;

All of which is respectfully submitted;

Which was received and agreed to.

Mr. Kennedy moved to call up No. 277 from the orders of the day;

Which was lost.

Mr. Moody moved to call from the orders of the day,

An act the better to secure the organization of the counties of Jones, Wayne, Clark and Covington;

Which was lost.

Mr. Cannon offered a resolution by the legislature of the state of Mississippi, authorizing the auditor to make warrants payable to bearer;

Which was read three several times, and passed.

On motion of Mr. Wade,

The report of the committee on ways and means on the revenue bill, was called from the table.

Mr. Harris offered the following amendment:

Amend by striking out three tenths of one per cent., and insert one fourth of one per cent.

Mr. Fontaine offered the following amendment to the amendment:

One fourth of one per cent. on all improved lands, and three tenths of one per cent. upon all unimproved lands.

Which was lost.

The question was then taken on the adoption of the original amendment, and decided in the affirmative by yeas and nays as follows:

Those who voted in the affirmative, are,

Mr. Speaker, Messrs. Abbott, Bynum, Cannon, Carson, Chambers, Connell, Cowan, Crain, Dilworth of Monroe, Dilworth of Tishemingo, Gibbs, Green of Tippah, Griffin, Guy, Harris, Harrison, Holleman, Hughs, Hyneman, Kennedy, Loper, Malone, Martin, McCaughan, McDonald, Metcalf, Millsaps, Moody, Moore, Randall, Robertson, Rossman, Sessions, Singleton, Thompson, Torrey, Walker and Weathersby—39.

Those who voted in the negative, are,

Messrs. Adams, Alcorn, Allen, Archer, Baily, Beaty, Berry of Simpson, Buford, Chewning, Cushman, Emanuel, Ewing, Earrar, Fontaine, Foster, Fowles, Frost, Gilleland, Green of Hinds, Lemly, McAfee, McInnis, Nash, Pendleton, Pettus, Potts, Rushing, Simmons, Simrall, Smyth of Winston, Spann, Stuart, Totten—33.

Mr. McCaughan offered the following amendment:

Section one, line sixteen—after the word "play," insert "whether any charge is made for playing on the same or not,".

Which was adopted.

Mr. McCaughan offered the following amendment:

Section one, line seventeen—after Bowie knife, insert "a tax of $100 per annum on each billiard table kept for play, in connection either directly or indirectly with any hotel, store, boarding house, bar-room, or other public establishment, for profit, whether any charge is made for playing on the same or not, unless when license has been obtained for keeping the same, and a tax of $25 on such billiard table, kept for private use, if kept set up any portion of the year;

Which was adopted.

Mr. Abbott offered the following amendment:

Strike out 60 cents in line 22, section 1, and insert 75 cents;

Which was lost.

Mr. Buford offered the following amendment:

Amend in section 1, line 23, after "of age," "and twenty cents on each and every head under the age of five years;"

Which was lost.

Mr. Sessions offered the following amendment:

Section 1, line 27,—after piano, insert, except such as are used by academies and schools;

Which was adopted.

The question was then taken on agreeing to the report of the committee, as amended, and decided in the affirmative.

Mr. Smith of Washington, offered the following amendment:

Section 12, line 4—strike out Leake, and insert Washington and Issaquena;

Which was adopted.

Mr. Gibbs offered the following amendment:

Amend section 10, line 3—strike out the word "five," and insert "three;"

Which was adopted.

Mr. Stuart offered the following amendment:

Section 12, line 5—amend by inserting after the county of Wayne, "Marion;"

Which was adopted.

Mr. McCaughan offered the following amendment:

Strike out "within ten days," in line 4, section 23, and insert "at any time;"

Which was lost.

Mr. Emanuel offered the following amendment:

At the end of the 38th section, insert, *Provided*, that the city of Vicksburg shall not be controlled by this act in respect to the time when property may be advertised and sold for city taxes;

Which was adopted.

Mr. Dilworth of Tishemingo, offered the following amendment:

Section 28, line 15, strike out 25 per cent., and insert 12½ per cent.;

Which was lost.

Mr. White offered the following amendment:

Section 38, line 8, insert after the words "then at some central point," "or at the election precincts;"

Which was adopted.

Mr. Abbott offered the following amendment:

Amend by striking out "3," in line 3, section 35, and insert "5;"

Which was lost by yeas and nays, as follows:

Those who voted in the affirmative, are,

Mr. Speaker, Messrs. Abbott, Alcorn, Allen, Berry of Simpson, Bynum, Carson, Connell, Farrar, Foster, Fowles, Gilleland, Harris, Holleman, Lemly, McAfee, McInnis, Moody, Nash, Rossman, Sessions, Smith of Washington, Stuart, Torrey and White—25.

Those who voted in the negative, are,

Messrs. Adams, Archer, Baily, Beaty, Buford, Cannon, Chambers, Chewning, Cowan, Crain, Cushman, Dilworth of Monroe, Dilworth of Tishemingo, Emanuel, Ewing, Fontaine, Frost, Gibbs, Green of Hinds, Green of Tippah, Griffin, Guy, Harrison, Hughs, Hyneman, Kennedy, Loper, Malone, Martin, McCaughan, McDonald, Metcalf, Millsaps, Moore, Pettus, Potts, Randall, Robertson, Rushing, Simmons, Simrall, Singleton, Smyth of Winston, Spann, Thompson, Totten, Walker and Weathersby—49.

Mr. White offered the following amendment:

"Except the tax collector of Issaquena county, who shall be entitled to five per cent. on the amount of state tax;"

Which was lost.

Mr. Gibbs offered the following amendment:

Section 38, line 15—after the word "March," insert, "with a fee for making a demand, 50 cents; for making a levy, 50 cents;

for making sale, 50 cents; in all one dollar and fifty cents;

Which was lost.

Mr. Sessions moved to strike out the 74th and 75th sections;

Which was carried.

On motion of Mr. Pettus,

The 76th section was stricken out.

Mr. Totten offered the following amendment:

SEC. — *Be it further enacted*, That in all cases where double taxes have been paid, under the revenue act of 1844, one half of said double tax shall be refunded to the person or persons paying the same;

Which was lost.

Mr. McCaughan offered an amendment inserting an additional section;

Which was lost.

Mr. Gibbs offered the following amendment:

Section 19,—strike out 1848, and insert 1846;

Which was adopted.

Mr. Wade offered the following amendment:

At the end of section 18, add "and that hereafter all the lands subject to taxation in this state, shall be assessed according to their intrinsic value, to be ascertained by the oath of the owner, agent or attorney thereof, as laid down in the 14th section of this act;"

Which was adopted, and the bill ordered to be engrossed for a third reading on to-morrow.

A message from the senate, by Mr. Wilcox, their secretary:

MR. SPEAKER—The senate have passed the following bills:

A bill to be entitled,

An act to repeal an act to define more correctly the boundary line between the counties of Tunica and Coahoma;

Resolutions in relation to the locating of Indian reservations in the Chickasaw cession.

The senate have concurred in the amentment made by the house of representatives to a bill from the senate,

To be entitled,

An act for the relief of William S. Langly.

Also, the following bills from the house of representatives:

A bill to be entitled,

An act to remove the county site of Sunflower county;

A bill to be entitled,

An act to amend an act to reduce the fees of certain officers therein named, approved 10th Feb., 1844;

A bill to be entitled,

An act to provide for the erection of permanent school houses in the city of Jackson, and for other purposes;

A bill, to be entitled,

An act making compensation for the repairs on public buildings, and for other purposes;

And have made an amendment thereto;

In which I am instructed to desire the concurrence of the house of representatives.

The president of the senate has signed acts originating in the senate of the following titles:

An act to incorporate the Mississippi and Arkansas turnpike company;

An act to amend the several acts incorporating the town of Salem, in the county of Tippah;

An act to regulate the practice of the circuit courts of this state in certain cases;

An act to change the time of holding the circuit court of the third judicial district in this state, and for other purposes;

An act to incorporate and establish the town of Yazoo city, and for revising and repealing all laws and parts of laws heretofore enacted on that subject;

An act to authorize the board of police of Issaquena county to employ a clerk to transcribe the records for said county;

An act to authorize John C. Prior, John D. Fennell, John W. Vance, Frederick Coghill and James Murray, to sell the property known as the female academy, in the town of Hernando, De Soto county.

The senate have adopted the following report, made by the committee of conference, in relation to the subject of disagreement between the senate and house of representatives, touching amendments made to

The bill to be entitled,

An act to amend the several laws of the state in relation to courts of probate, to-wit:

The committee recommend that the senate recede from their

amendment to the second section of the amendment by the house of representatives, and that the house recede from all of said amendment after the word "law," in the 17th line of said section, and add to said section, the following proviso, to-wit:

Provided, That this section shall not apply to claims of a less amount than twenty dollars.

The senate have passed the following bill:

A bill, to be entitled,

An act to furnish a uniform standard of weights and measures in the several counties in the state of Mississippi;

In which I am instructed to desire the concurrence of the house of representatives.

An act to authorize the revival of suits and judgments at law by a *scire facias*, and in equity by bill of revivor, in certain cases;

An act relative to certain officers of Pike county;

An act to amend the constitution of the state of Mississippi;

An act to incorporate the town of Waterford, in Marshall county;

A resolution granting leave of absence to the Hon. F. M. Rogers.

Mr. Sessions moved a reconsideration of the vote, concurring in the senate's amendment to the bill to grant Isham Daniel the exclusive right to a ferry on Pearl river, in Leake county;

Which was lost.

Mr. Walker, from the joint standing committee on enrolled bills, made the following report:

Mr. Speaker—The joint standing committee on enrolled bills, have this day examined,

An act to incorporate and establish the town of Yazoo City, and for revising and repealing all laws and parts of laws heretofore enacted on that subject;

An act supplementary to an act entitled an act to incorporate the Canton female academy, of Madison county, approved February 5th, 1836;

An act to grant to Isham Daniel a charter for a ferry across Pearl river, in Leake county, and for other purposes;

An act to declare Line creek a navigable stream;

An act to change the name of Thomas Henry Daniel to that of Smith Coffee Daniel;

An act to amend an act entitled an act to repeal an act to incorporate the town of Panola, in the county of Panola, approved January 27, 1840;

An act to change the name of William Jameson Brown to that of William Jameson Wilson;

An act to authorize the board of police of Covington county to have transcribed into suitable books, the records of the probate courts of said couty;

An act for the relief of Bethany Hall and Abraham Hardy;

An act relative to certain officers of Pike county;

An act to amend the constitution of the state of Mississippi;

An act to incorporate the Mississippi and Arkansas turnpike company;

An act to amend the several acts incorporating the town of Salem, in the county of Tippah;

An act to change the time of holding the circuit court of the third judicial district in this state, and for other purposes;

An act to authorize the board of police of Issaquena county to employ a clerk to trascribe the records for said county;

An act to regulate the practice of the circuit courts of this state, in certain cases;

An act to authorize John C. Pryor, John D. Fennell, John W. Vance, Frederick Coghill, and James H. Murray, to sell the property known as the female academy, in the town of Hernando, De Soto county;

A resolution granting leave of absence to the Hon. F. M. Rogers;

An act to regulate the practice and proceedings in the action of ejectment, and for other purposes;

An act to incorporate the town of Waterford, in Marshall county;

An act to authorize the revival of suits or judgments at law by *scire facias*, and in equity by bill of revivor, in certain cases;

And have found the same correctly enrolled.

On motion of Mr. Dilworth of Tishemingo,

The house adjourned until 3 o'clock, p. m.

3 O'CLOCK P. M.

The house met pursuant to adjournment.

On motion of Mr. Adams,

The house concurred in the amendment made by the senate to

A house bill, entitled,

An act to change the practice of the circuit court of Yazoo county, in relation to juries;

The senate bill entitled,

An act to change the name of Samuel Moore Manalian, and for other purposes;

Was read three several times, and passed.

The senate bill entitled,

An act supplemental to an act, approved January 19th, 1846, entitled an act to reduce the price of the public printing;

Was read the first time; and,

On motion of Mr. Allen,

Rejected.

The senate bill entitled,

An act to furnish a uniform standard of weights and measures in the several counties of this state;

Was read the first time.

Mr. McCaughan moved its rejection;

Which was lost.

On motion of Mr. Dilworth of Tishemingo,

The rule was suspended, and the bill read the second and third time, and passed.

The senate bill entitled,

An act to repeal an act to define more correctly the boundary line between the counties of Tunica and Coahoma;

Was read the first time.

Mr. Alcorn moved its rejection;

Which was sustained.

The senate resolution in relation to the location of Indian reservations in the Chickasaw cession;

Was read three several times, and passed.

Mr. Harris moved that the house concur in the amendment made by the senate to the house bill entitled,

An act, making compensation for the repairs in public buildings, and for other purposes;

Which was carried by yeas and nays as follows:

Those who voted in the affirmative, are,

Messrs. Adams, Alcorn, Allen, Archer, Berry of Simpson, Beaty, Buford, Baily, Carson, Chambers, Chewning, Cushman, Emanuel, Ewing, Farrar, Foster, Fowles, Fontaine, Gilleland, Greaves, Green of Hinds, Harris, Holleman, McCaughan, McNabb, Lemly, Moody, McAfee, McDonald, McInnis, Nash, Pendleton, Pettus, Pope, Randall, Rossman, Sessions, Sharkey, Simrall, Singleton, Smith of Washington, Spann, Thompson, Torrey, Wade, White and Woodbury—47.

Those who voted in the negative, are,

Mr. Speaker, Messrs. Abbott, Bynum, Cannon, Connell, Cowan, Crain, Dilworth of Monroe, Dilworth of Tishemingo, Frost, Green of Tippah, Griffin, Guy, Harrison, Hughs, Hyneman, Kennedy, Loper, Malone, Martin, Metcalf, Millsaps, Potts, Robertson, Rushing, Simmons, Smyth of Winston, Totten, Walker and Weathersby—31.

The special order, to divide the state of Mississippi into four congressional districts, was taken up.

Mr. Sharkey moved to strike out the lyder;

Which was lost.

Mr. Harris moved that the bill be referred to a select committee of five;

Which was lost.

The question was then taken on the passage of the bill, and decided in the affirmative by yeas and nays as follows:

Those who voted in the affirmative, are,

Mr. Speaker, Abbott, Adams, Alcorn, Allen, Archer, Baily, Beaty, Buford, Cannon, Carson, Connell, Cowan, Cushman, Dilworth of Monroe, Dilworth of Tishemingo, Emanuel, Ewing, Farrar, Foster, Fowles, Gibbs, Greaves, Green of Hinds, Green of Tippah, Griffin, Guy, Harrison, Hughs, Hyneman, Leonard, Malone, May, McCaughan, McNabb, Millsaps, Moody, Nash, Pendleton, Pettus, Pope, Potts, Randall, Robertson, Rossman, Rushing, Sessions, Sharkey, Simrall, Singleton, Smith of Washington, Smyth of Winston, Spann, Torrey, Totten, Wade and White—57.

Those who voted in the negative, are,

Messrs. Berry of Simpson, Bynum, Chambers, Chewning, Crain,

Fontaine, Frost, Gilleland, Harris, Holleman, Kennedy, Lemly, Loper, Martin, McAfee, McDonald, Metcalf, Simmons, Thompson, Walker, Weathersby and Woodbury—22.

The question was taken on the motion of Mr. Leonard, previously made, to reconsider a vote on the rejection of a bill establishing a new county from the counties of Yazoo and Issaquena, and decided in the negative.

The special order entitled,

An act, to establish and carry into operation a state lunatic hospital in the city of Jackson,

Was taken up, and,

On motion of Mr. Dilworth of Tishemingo,

Laid on the table for the balance of the session.

Mr. Allen, by leave, introduced,

A resolution of the legislature of the state of Mississippi, relative to the secretary of state performing a certain duty, &c.;

Which was read three several times and passed.

The special order entitled,

An act, to define the duties of judges and district attorneys in certain cases, was,

On motion of Mr. Hyneman,

Laid on the table.

Mr. Simrall *et al.* asked and obtained leave to spread their protest on the journal relative to the ryder to the bill districting the state.

On motion of Mr. Adams,

The bill entitled,

An act, to amend the several acts of this state regulating the practice of circuit courts,

Was laid on the table the balance of the session.

On motion of Mr. Harris,

The bill to provide for the sale of lands belonging to the sinking fund for Planters' bank bonds, and for other purposes,

Was laid on the table for the balance of the session.

On motion of Mr. McAfee,

The bill to prescribe the mode of proceeding against incorporated banks, &c., approved July 28, 1848,

Was laid on the table for the balance of the session.

The special order entitled,

An act, to revive certain sections of the revised code, in relation to the introduction of slaves into this state;

Was taken up.

On motion of Mr. Wade,

The third section was stricken out, the bill read the third time and passed.

The special order entitled,

An act, the better to secure the organization of the counties of Jones, Wayne, Clarke and Covington,

Was read the third time and passed.

The special order entitled,

An act, to improve the navigation of Pearl river, near Holmes' bayou,

Was taken up.

Mr. Harris moved that the bill be laid on the table;

Which was lost.

The house resolved itself into committee of the whole on said bill, Mr. Sharkey in the chair.

After some time spent therein, the committee rose, reported the bill back to the house without amendment, and recommended that it do not pass;

Which was received.

Mr. Allen moved to amend the report by striking out that "it do not pass," and insert that "it do pass;"

Which was lost.

The question was then taken on agreeing to the report, and sustained.

The special order, viz:

The resolution relative to the purchase of Howard and Hutchinson's digest,

Was taken up.

Mr. Hynoman moved to lay the resolution on the table;

Which was sustained.

The special order entitled,

An act, authorizing the construction of a fence to enclose the house, was,

On motion of Mr. McAfee,

Laid on the table.

The special order entitled,

An act, to divide the state into four congressional districts, was

On motion of Mr. Totten,

Laid on the table.

The following message was received from the senate by Mr. Wilcox, their secretary:

Mr. Speaker—The senate have passed bills, which originated in the senate, of the following titles, to wit:

A bill, to be entitled,

An act, for the relief of W. Nichols;

A bill to be entitled,

An act, to provide for a geological survey of this state.

They have also passed a joint resolution of the following title, to wit:

A resolution, in relation to the secretary of the senate and his two assistants, and the clerk of the house of representatives and his two assistants.

They have passed a bill, which originated in the house, of the following title, to wit:

A bill to be entitled,

An act, prohibiting the license of certain ferries upon the Chickasaha river, in Green county, and for other purposes;

In which I am instructed to desire the concurrence of the house of representatives.

Also, a bill, originating in the house of representatives:

A bill to be entitled,

An act, to amend an act entitled an act declaring Noxubee river a navigable stream, and for other purposes;

And have made an amendment thereto,

In which I am instructed to desire the concurrence of the house of representatives.

The senate have passed the following bills from the house of representatives:

A bill to be entitled,

An act, to change the labor of convicts in the state penitentiary, and for other purposes;

A bill to be entitled,

An act, to prescribe the duties of jailors in relation to runaway slaves, and to fix the penalty for violating the same;

A bill to be entitled,

An act, for the relief of the heirs of Washington Dorsey, deceased;

A bill, to be entitled,

An act, to authorize the mayor and aldermen of the city of Jackson to erect a bridge across Pearl river, and for other purposes;

And have made an amendment thereto by way of ryder to the bill as amended,

In which I am instructed to desire the concurrence of the house of representatives.

The senate have passed the following bill;

A bill to be entitled,

An act, to authorize the auditor of public accounts to remit the damages of 30 per cent. now required to be charged against defaulting tax collectors in certain cases, and to repeal so much of the 34th section of an act entitled an act to reduce into one the several acts in relation to the revenue of this state, approved February 24, 1844, as authorizes the sheriffs to collect double taxes.

The president of the senate has signed acts, originating in the house of representatives, as follows:

An act, to grant to Isham Daniel a charter for a ferry across Pearl river, in Leake county, and for other purposes;

An act, to amend an act entitled an act to repeal an act to incorporate the town of Panola, in the county of Panola, approved January 27, 1840;

An act, supplementary to an act entitled an act to incorporate the Canton female academy of Madison county, approved 8th February, 1836;

An act, for the relief of Bethany Hall and Abram Hardy;

An act, to authorize the board of police of Covington county to have transcribed into suitable books the records of the probate court of said county;

An act, to change the name of William Jameson Bowen to that of William Jameson Wilson;

An act, to change the name of Thomas Henry Daniel, to that of Smith Coffey Daniel;

An act, to declare Line creek a navigable stream.

On motion of Mr. Simrall,

The house concurred in the amendment made by the senate to The house bill entitled,

An act, prohibiting the license of certain ferries upon the Chickasawha river, in Green county, and for other purposes.

The senate bill, entitled,

An act, to provide for a geological survey of this state,

Was read the first time.

Mr. McCaughan asked for a suspension of the rules;

Which was refused.

Mr. Griffin moved that the bill be rejected;

Which was carried by yeas and nays as follows:

Those who voted in the affirmative, are,

Mr. Speaker, Messrs. Abbott, Allen, Baily, Buford, Bynum, Cannon, Carson, Connell, Cowan, Crain, Cushman, Dilworth of Monroe, Dilworth of Tishemingo, Farrar, Fontaine, Frost, Gibbs, Green of Tippah, Griffin, Guy, Harrison, Holleman, Hyneman, Kennedy, Loper, Malone, Martin, McNabb, Metcalf, Millsaps, Moody, Pettus, Potts, Robertson, Simmons, Smyth of Winston, Torrey, Totten, Walker and White—41.

Those who voted in the negative, are,

Messrs. Adams, Alcorn, Archer, Beaty, Berry of Simpson, Ewing, Emanuel, Foster, Fowles, Gilleland, Greaves, Green of Hinds, Harris, Leonard, May, McCaughan, McDonald, McInnis, Nash, Pendleton, Randall, Rushing, Sharkey, Simrall, Smith of Washington, Spann, Thompson, Wade and Woodbury—21.

The senate resolution, relative to the secretary of the senate and clerk of the house,

Was read the 1st and 2nd time.

On motion of Mr. Cannon,

Four days was stricken out, and one day inserted, and the resolution passed as amended.

The senate bill for the relief of Wm. Nichols,

Was read the 1st time.

Mr. Green of Tippah moved the rejection of the bill;

Which was sustained by yeas and nays as follows:

Those who voted in the affirmative, are,

Mr. Speaker, Messrs. Abbott, Adams, Berry of Simpson, Buford, Bynum, Cannon, Connell, Cowan, Crain, Dilworth of Monroe, Dilworth of Tishemingo, Frost, Gibbs, Gilleland, Green of

Tippah, Griffin, Gay, Holleman, Hyneman, Kennedy, Loper, Martin, McAfee, McDonald, Metcalf, Millsaps, Moody, Pettus, Potts, Robertson, Simmons, Singleton, Smyth of Winston, Torrey, Totten, Walker and Weathersby—38.

Those who voted in the negative, are,

Messrs. Alcorn, Allen, Archer, Baily, Beaty, Carson, Chewning, Emanuel, Farrar, Foster, Fowles, Greaves, Green of Hinds, Harrison, Leonard, Malone, May, McCaughan, McInnis, McNabb, Nash, Pendleton, Randall, Rossman, Rushing, Sessions, Sharkey, Simrall, Smith of Washington, Spann, Thompson, White and Woodbury—33.

A message from the senate, by Mr. Wilcox, their secretary:

Mr. Speaker—The senate have passed

A bill to be entitled,

An act, to amend the laws of the state in relation to the enrollment and liens of judgments at law, and decrees in chancery, as a substitute to a bill to be entitled an act, to amend an act to regulate the liens of judgments and decrees, approved 16th February, 1841, and for other purposes, approved the 24th February, 1844.

The senate have concurred in the amendment made by the house of representatives to a bill from the senate to be entitled,

An act, to divide the state of Mississippi into four congressional districts.

The senate have passed the following bill from the house of representatives:

A bill to be entitled,

An act, the better to secure the organization of the counties of Jones, Wayne, Clarke and Covington.

The senate have passed the following bills:

A bill, to be entitled,

An act, to provide for the payment of sheriffs' claims therein named, and for other purposes;

A bill to be entitled,

An act, extending the powers of tax collectors;

A bill, to be entitled,

An act, making certain appropriations therein named;

And have made an amendment thereto by way of ryder,

In which I am instructed to desire the concurrence of the house of representatives.

Mr. Sessions made the following report:

Mr. Speaker—The joint standing committee on enrolled bills have this day presented to his excellency the governor for his approval and signature, bills of the following titles:

An act, to incorporate the Mississippi and Arkansas turnpike company;

An act, to amend the several acts, incorporating the town of Salem, in the county of Tippah;

An act, to incorporate the town of Waterford, in Marshall county;

An act, to regulate the practice of the circuit courts in this state in certain cases;

An act, to incorporate and establish the town of Yazoo city, and for revising and repealing all laws and parts of laws heretofore enacted on that subject;

An act, to authorize the revival of suits and judgments at law by scire facias and in equity, by bill of revivor in certain cases;

An act, to amend the constitution of the state of Mississippi;

An act, to authorize the board of police of Issaquena county to employ a clerk to transcribe the records of said county;

An act, to change the time of holding the circuit court of the third judicial district in this state, and for other purposes;

An act, relative to certain officers of Pike county;

An act, to authorize John C. Pryor, John D. Fennell, John W. Vance, Fredrick Coghill and James H. Murray to sell the property known as the female academy in Hernando, De Soto county;

A resolution, granting leave of absence to the Hon. F. M. Rogers.

On motion of Mr. McInnis,

The house adjourned until 7 o'clock, p. m.

7 O'CLOCK, EVENING.

The house met pursuant to adjournment.

Mr. Ewing, by leave, introduced

A bill to be entitled,

An act, supplementary to an act entitled an act establishing a system of common schools;

Which was read three several times and passed.

The senate bill entitled,

An act, to authorize the auditor of public accounts to remit the damages of 80 per cent. now required to be charged against defaulting tax collectors,

Was read the first time, and,

On motion of Mr. Harris,

Laid on the table.

The senate bill entitled,

An act, extending the power of tax collectors,

Was read three several times and passed.

The senate bill entitled,

An act, for the payment of sheriffs' claims therein named, and for other purposes,

Was read the first and second time.

Mr. Sessions moved to strike out "penitentiary," in the third section, and insert "city prison;"

Which was lost.

Mr. Metcalf offered the following amendment:

"That such prisoner shall not be considered a penitentiary convict, and shall not be put to labor;

Which was lost.

The rule being suspended, the bill was read the third time and passed.

The senate bill entitled,

An act, to amend the laws of the state in relation to the enrollment and liens of judgments at law and decrees in chancery,

Was read three several times and passed.

On motion of Mr. Smyth of Winston,

The house concurred in the amendment made by the senate to the house bill entitled,

An act, to amend an act entitled an act declaring Noxubee river a navigable stream, and for other purposes.

On motion of Mr. Berry of Simpson,

The house concurred in the amendment made by the senate to the house bill entitled,

An act, to authorize the mayor and aldermen of the city of Jackson, to erect a toll bridge across Pearl river, and for other purposes.

The senate bill entitled,

An act, making certain appropriations therein named,

Was read the first and second time.

On motion of Mr. Wade,

The house resolved itself forthwith into committee of the whole on the above bill,

Mr. Singleton in the chair.

After some time spent therein, the committee rose, reported the bill back to the house without amendment, and recommended that it pass;

Which was received.

Mr. Wade offered the following amendment to the report:

"To George R. Farish, for attention as assistant door-keeper to the house of representatives during the present session of the legislature, $90,00."

Mr. Adams offered the following amendment to the amendment:

"*Provided*, That the said sum be taken from the per diem of his father."

Much discussion arising thereon, Mr. Adams was permitted to withdraw his amendment.

Mr. Pettus offered the following amendment to the amendment:

"Strike out $90, and insert $40."

Mr. Metcalf making a strong appeal to the pockets of the members, no action was had on the amendment, and the members, en masse, came forward and discharged the debt,

After which, Mr. Wade was permitted to withdraw his amendment.

Mr. McCaughan offered the following amendment:

"Insert one hundred before the word 'fifty,' in article 34;"

Which was lost.

Mr. McCaughan offered the following amendment:

"Strike out 'fifty,' and insert one hundred;"

Which was lost by yeas and nays as follows:

Those who voted in the affirmative, are,

Mr. Speaker, Messrs. Alcorn, Allen, Buford, Beaty, Carson, Chewning, Connell, Emanuel, Ewing, Fontaine, Fowles, Gillel-and, Green of Hinds, Griffin, Harris, Hughs, Kennedy, Leonard, Lemly, May, McCaughan, McInnis, Nash, North, Pendleton, Pope,

Randall, Rossman, Sequiens, Stacker, Simson, Smith of Washington, Thompson, Torrey and Wade—35.

Those who voted in the negative, are,

Messrs. Abbott, Adams, Beary of Simpson, Bynum, Cannon, Chambers, Cowan, Craig, Dilworth of Monroe, Dilworth of Tishemingo, Farrar, Foster, Gibbs, Green of Tippah, Gray, Harrison, Holleman, Hyneman, Loper, Malone, Martin, McAfee, Metcalf, Millaps, Moody, Patus, Potts, Robertson, Rushing, Simmons, Singleton, Smyth of Winston, Totten, Walker, Weathersby and White—36.

Mr. Fontaine offered the following amendment:

Article 40—Strike out C. H. Abert, and insert J. D. Montgomery;

Which was adopted.

Mr. Wade offered the following amendment:

Amend article 36, and insert for the use of David Beaty;

Which was adopted.

Mr. Bynum offered the following amendment:

Article 39—Strike out James W. Martin, and insert James Martin;

Which was adopted.

Mr. Gibbs offered the following amendment:

Article 52 and 53—Insert in each, for the use of S. O. Gibbs;

Which was adopted.

Mr. Weathersby offered the following amendment:

Section 1, art. 66—Strike out Lauderdale, and insert Lawrance;

Which was adopted.

Mr. McCaughan offered an amendment by way of additional article, in favor of Talbot Henley, for $38 60;

Which was lost.

Mr. Alcorn offered an amendment by way of additional article, allowing to Philip Poindexter $375 00, and also, to Isaac Wright $5 00;

Which was lost.

Mr. Moody moved that the house adjourn;

Which was lost.

On motion of Mr. Harris,

The further consideration of the subject was dispensed with until to-morrow morning at 10 o'clock.

On motion of Mr. Cannon,

The house adjourned.

WEDNESDAY MORNING, MARCH 4, 1846.

The house met pursuant to adjournment.

A message from the senate by Mr. Wilcox, their secretary:

MR. SPEAKER—The senate have concurred in a resolution from the house of representatives in relation to the secretary of state;

And have refused to concur in the amendment made by the house of representatives to a resolution in relation to the secretary of the senate, the clerk of the house of representatives and their assistants.

The president of the senate has signed acts originating in the senate of the following titles:

An act, for the relief of Wm. S. Langley;

An act, to regulate the practice and proceedings in the action of ejectment;

Which I present to the speaker for his signature.

And have adopted a preamble and resolution in relation to the reception of money by the state of Mississippi from the government of the United States, which originated in the house of representatives.

Mr. Sessions, from the joint standing committee on enrolled bills, reported that they have presented to his excellency the governor for his approval and signature,

An act, to grant to Isham Daniel a charter for a ferry across Pearl river in Leake county, and for other purposes;

An act, to amend an act entitled an act to repeal an act to incorporate the town of Panola, in the county of Panola, approved January 27, 1840;

An act supplementary to an act entitled an act to incorporate the Canton female academy of Madison county, approved 6th February, 1846;

An act, for the relief of Bethany Hall and Abraham Hardy;

An act, to authorize the board of police of Covington county to

have transcribed into suitable books, the records of the probate court of said county;

An act, to change the name of William Jamison Bowen to that to that of William Jamison Wilson;

An act, to change the name of Thomas Henry Daniel to that of Smith Coffe Daniel;

An act, to declare Line creek a navigable stream.

Mr. McInnis was permitted to withdraw his report.

On motion of Mr. Totten,

The revenue bill was called up, read the third time, and passed with its title as stated.

Mr. Allen, from the select committee to whom was referred a communication from the state treasurer, relative to the purchase of a safe for his office, reported unfavorable to the same;

Which was received and agreed to.

Mr. Emanuel, from the joint standing committee on public buildings, to whom was referred the petition of the citizens of Jackson, applying to the legislature for an appropriation for the purchase of a fire engine, reported a bill to provide for a fire engine for the protection of the public buildings;

Which was read the first time, and the report received.

Mr. Ewing offered the following amendment to the report:

"Amend, by striking out $1200, and inserting $600."

Mr. Greaves moved the rejection of the amendment;

Which was lost.

The amendment was then adopted, and the question taken on agreeing to the report of the committee as amended, and decided in the negative by yeas and nays as follows:

Those who voted in the affirmative, are;

Messrs. Alcorn, Allen, Baily, Beaty, Berry of Simpson, Buford, Bynum, Carson, Chewning, Emanuel, Ewing, Farrar, Foster, Fowles, Greaves, Green of Hinds, Lemly, McCaughan, McInnis, McNabb, Nash, Pendleton, Pope, Randall, Rossman, Sharkey, Singleton, Spann, Thompson, Torrey and White—31.

Those who voted in the negative are,

Mr. Speaker, Messrs. Abbott, Cannon, Connell, Crain, Cushman, Dilworth of Monroe, Dilworth of Tishemingo, Fontaine, Frost, Gibbs, Green of Tippah, Griffin, Guy, Harris, Harrison,

Holleman, Hughes, Hyneman, Leonard, Loper, Martin, McDonald, Metcalf, Millsaps, Moody, Moore, Pettus, Potts, Robertson, Rushing, Simmons, Smyth of Winston, Totten, Walker and Weatherby—87.

Mr. Singleton, from the committee on propositions and grievances, to whom was referred the petition of J. W. Fite, reported,

A bill to be entitled,

An act, for the benefit of Joseph W. Fite, administrator de bonis non of Peter Isler, late of the county of Hinds, deceased,

Which was read the first time, and the report received and agreed to.

The rule being suspended, the bill was read the second and third time.

Mr. Moody moved to lay the bill on the table;

Which was sustained.

Mr. Singleton, from the same committee, to whom was referred,

A bill, to be entitled,

An act, to provide for cases where an executor or administrator will qualify under a will, &c.,

Reported the same back to the house without amendment, and recommended that it pass as it came from the senate;

Which was received, and agreed to, the bill read the third time and passed.

Mr. Sharkey, from the select committee to whom was referred,

A bill, to be entitled,

An act, to establish volunteer companies for the more efficient organization of the state,

Reported the same back to the house, and asked to be discharged from the further consideration of the same;

Which was received and laid on the table.

On motion of Mr. Griffin,

The bill to be entitled,

An act, to better secure the public buildings of Tippah county,

Was called up.

Mr. Green of Tippah offered an amendment by way of additional section;

Which was adopted, the bill read the third time and passed as amended.

Mr. Walker made the following report:

Mr. Speaker—The joint standing committee on enrolled bills have this day examined,

An act, for the relief of the heirs of Washington Dorsey;

An act, to change the practice of the circuit court of Yazoo county in relation to juries;

An act, to change the labor of convicts in the state penitentiary, and for other purposes.

An act, the better to secure the organization of the counties of Jones, Wayne, Clarke and Covington;

An act, making compensation for repairs in the public buildings;

An act, to prescribe the duties of jailors in relation to runaway slaves, and to fix the penalty for violating the same;

An act, to provide for the erection of permanent school houses in the city of Jackson, and for other purposes;

An act, prohibiting the license of certain ferries upon the Chickasaha river, in Green county, and for other purposes;

An act, entitled an act to amend an act to reduce the fees of certain officers therein named, approved 10th Feb., 1844;

An act, to remove the county seat of Sunflower county;

Resolution, relative to the secretary of state;

An act, to provide for the payment of sheriffs' claims therein named, and for other purposes;

An act, to divide the state of Mississippi, into four congressional districts;

An act, to amend the laws now in force for the construction and repairing levees in the county of Washington;

An act, to change the name of Samuel Moore Manahan, and for other purposes;

An act, to establish a system of common schools, and for other purposes;

Resolution in relation to the location of Indian reservations in the Chickasaw cession;

An act, to furnish a uniform standard of weights and measures to the several counties in the state of Mississippi;

A resolution in relation to the two and three per cent. funds;

An act, to provide for the appointment of guardians in certain cases.

A message from the senate.

Mr. Speaker—The president of the senate has signed acts originating in the senate, as follows:

An act, to establish a system of common schools, and for other purposes;

An act, to provide for the appointment of guardians in certain cases;

An act, to divide the state of Mississippi into four congressional districts;

An act, to provide for the payment of sheriffs' claims therein named, and for other purposes;

An act, to furnish a uniform standard of weights and measures in the several counties in the state of Mississippi;

An act, to amend the laws now in force for the construction and repairing levees in the county of Washington;

An act, to change the name of Samuel Moore Manahan, and for other purposes;

A resolution in relation to the 2 and 3 per cent. funds;

Resolutions, in relation to the location of Indian reservations in the chickasaw cession.

The senate have passed the following bills:

A bill to be entitled,

An act, amendatory and explanatory of an act to designate in what manner, and in what courts suits shall be brought against the state of Mississippi, approved Feb. 15th, 1833;

A bill, to be entitled,

An act, supplemental to an act, passed at the present session of the legislature, entitled an act to establish a system of common schools, and for other purposes;

In which I am instructed to desire the concurrence of the house of representatives.

The senate have passed a bill from the house of representatives to be entitled,

An act, supplemental to an act to be entitled an act to establish a system of common schools, and for other purposes;

Mr. Allen, from the select committee to whom was referred the petition of Asa Thompson, reported unfavorably to the prayer of the petitioner;

Which was received and agreed to.

Mr. Wade, from the committee of ways and means, to whom

was referred the petition of James Roberts, of Rankin county, reported unfavorably to the prayer of the petitioner;

Which was received and agreed to.

On motion of Mr. Cushman,

The senate bill, for the relief of Wm. L. Sharkey,

Was called from the orders of the day, read the second and third time, and passed by yeas and nays as follows:

Those who voted in the affirmative, are,

Mr. Speaker, Messrs. Adams, Alcorn, Allen, Archer, Baily Beaty, Buford, Chewning, Crain, Cushman, Emanuel, Ewing, Farrar, Fontaine, Foster, Fowles, Greaves, Green of Hinds, Guy, Harris, Harrison, Kennedy, McCaughan, McDonald, McInnis, Moody, Nash, North, Pendleton, Pettus, Pope, Randall, Rossman, Sessions, Simmons, Smith of Washington, Spann, Thompson Wade and Woodbury—41.

Those who voted in the negative, are,

Messrs. Abbott, Bynum, Cannon, Connell, Dilworth of Monroe Dilworth of Tishemingo, Green of Tippah, Griffin, Holleman Loper, Malone, Metcalf, Millsaps, Moore, Potts, Robertson, Totten, Walker and Weathersby—21.

Mr. Allen made the following report:

The select committee, to whom was referred the report of the auditor of public accounts in relation to the contingent fund appropriated to his office, have had the same under consideration and have directed me to make the following report, which is respectfully submitted:

REPORT

Warrant to J. E. Matthews, assignee of Samuel Matthews, for cutting up and furnishing capitol with 89 cords of wood, since March, 1844,	$66 75
Warrant to Samuel Matthews for boy cutting up 35 1-2 cords wood,	26 62
Warrant to Samuel Matthews for boy furnishing state offices with wood, water, fires, and cleaning up offices and furniture from November, 1844, to date,	49 00
Warrant to Samuel Matthews, for boys furnishing water for capitol, and sweeping and scouring, and furniture, since 1st July, three months,	64 75
Amounting to	$207 12

Your committee are of opinion that the above stated items, amounting to the considerable sum of $207 12, is an unwarranted and extravagant charge upon the public purse. Your committee would therefore recommend the passage of the following resolution.

H. W. ALLEN,
Chairman.

March 4, 1846.

The resolution relative to the auditor of public accounts, accompanying said report, was read the first time and the report received.

On motion of Mr. McCaughan,

The whole subject was recommitted to the committee on claims.

On motion of Mr. Harris,

The bill entitled,

An act, in relation to the town lot fund, and for other purposes,

Was called from the orders of the day, read the second and third time and passed.

On motion of Mr. Harris,

The senate bill to amend the several acts of limitation,

Was called from the orders of the day, read the second and third time and passed.

Mr. Pettus offered a resolution relative to the secretary of state

Which was read three several times and passed.

The following message was received from his excellency, the governor, by Mr. Nicholson, his private secretary:

To the House of Representatives:

The bill for the relief of William Rawles, of Tunica county, W. W. Laseter, of Coahoma, and Thomas Brewster, of Tishemingo, is returned to the house in which it originated, with my objections to its becoming a law. It is essential to the preservation and the due administration of justice, that each of the three great departments of government should act within the sphere of its constitutional authority, and that powers which have been delegated to one department should not be exercised by another. The tenth section, article five, of the constitution, gives to the governor "the power to grant reprieves and pardons, and to *remit fines;* and in cases of forfeiture to stay the collector until the next session of

the legislature; and to *remit forfeitures* by and with the advice and consent of the senate."

The first section of the bill before me remits a forfeiture against William Rawles. The second section remits a fine against William W. Lasseter. In the first of these cases, the legislative body is exercising a power which has been confided to the governor and senate; and in the second instance, a power which rests wholy and entirely with the executive. Such exercise of power by the legislative body is in derogation of the principle above laid down, and in violation of the second section of the second article of the constitution, which forbids "any person or collection of persons, being of one department of the government, to exercise any powers properly belonging to either of the others."

A. G. BROWN.

EXECUTIVE CHAMBER,
4th March, 1846.

The question was taken on the passage of the bill, the objections of the governor to the contrary notwithstanding, by yeas and nays, and decided in the negative.

Messrs. Dilworth of Tishemingo and Leonard voted in the affirmative.

Fifty-nine members voted to sustain the governor's veto.

Mr. McCaughan, by leave, introduced

A bill to be entitled,

An act, for the relief of Roger A. Hair and others, owners of the tract of land known as the Livingston grant, at Pass Christian, in Harrison county;

Which was read three several times and passed.

On motion of Mr. Totten,

The bill entitled,

An act, to define the manner of issuing warrants against offenders charged with the commission of felony,

Was called from the orders of the day, read the second and third time and passed.

On motion of Mr. Sessions,

The house receded from their amendment made to the senate resolution relative to the secretary of the senate and clerk of the house.

The senate bill entitled,

An act, amendatory and explanatory of an act to designate in what manner and in what courts suits shall be brought against the state of Mississippi, approved Feb. 15, 1833,

Was read three several times and passed.

The senate bill entitled,

An act, supplemental to an act passed at the present session of the legislature, entitled an act to establish a system of common schools, &c.,

Was read three several times and passed.

The following message was received from his excellency the governor by Mr. Nicholson his private secretary:

Mr. Speaker—His excellency the governor has approved and signed bills of the following titles which originated in the house of representatives:

An act, supplementary to an act entitled an act to incorporate the Canton female academy of Madison county, approved 8th February, 1836;

An act, to authorize the board of police of Covington county to have transcribed into suitable books, the records of the probate court of said county;

An act, for the relief of Bethany Hall and Abram Hardy;

An act, to change the name of William Jameson Bowen to that of William Jameson Wilson;

An act, to change the name of Thomas Henry Daniel, to that of Smith Coffey Daniel;

An act, to declare Line creek a navigable stream.

An act, to amend an act entitled an act to repeal an act to incorporate the town of Panola, in the county of Panola, approved January 27, 1840;

Approved 4th March, 1846.

Mr. Walker, from the joint standing committee on enrolled bills, made the following report:

Mr. Speaker—The joint standing committee on enrolled bills, have this day presented to his excellency the governor, for his approval and signature, bills of the following titles:

An act, to amend the laws now in force for the construction and repairing levees in the county of Washington;

An act, to change the name of Samuel Moore Manahan, and for other purposes;

An act, to furnish a uniform standard of weights and measures in the several counties in the state of Mississippi;

An act, to provide for the appointment of guardians in certain cases;

An act, to divide the state of Mississippi into four congressional districts;

An act, to provide for the payment of sheriffs' claims therein named, and for other purposes;

An act, to establish a system of common schools, and for other purposes;

A resolution in relation to the 2 and 3 per cent. funds;

Resolutions, in relation to the location of Indian reservations in the chickasaw cession.

A message from the senate, by Mr. Wilcox, their secretary:

Mr. Speaker—The president of the senate has signed the following acts, originating in the house of Representatives:

An act, to provide for the erection of permanent school houses in the city of Jackson, and for other purposes;

An act, the better to secure the organization of the counties of Jones, Wayne, Clarke and Covington;

An act, to remove the county seat of Sunflower county;

An act, for the relief of the heirs of Washington Dorsey;

An act, to change the labor of convicts in the state penitentiary, and for other purposes;

An act, entitled an act to amend an act to reduce the fees of certain officers therein named, approved 10th Feb., 1844;

An act, prohibiting the license of certain ferries upon the Chickasaha river, in Green county, and for other purposes;

An act, to change the practice of the circuit court of Yazoo county in relation to juries;

An act, to prescribe the duties of jailors in relation to runaway slaves, and to fix the penalty for violating the same;

Resolution, relative to the secretary of state;

Mr. Dilworth of Tishemingo offered the following resolution:

Resolved, the senate concurring, that the resolution heretofore passed by both houses, fixing the day of adjournment on Thursday, the 5th of March, at 12 o'clock p. m., be, and the same is hereby rescinded.

Mr. Totten moved that the rule, requiring joint resolutions to lay one day on the table, be dispensed with;

Which was decided in the affirmative by yeas and nays as follows:

Those who voted in the affirmative, are;

Mr. Speaker, Messrs. Abbott, Adams, Archer, Cannon, Carson, Chambers, Chewning, Cowan, Connell, Crain, Cushman, Dilworth of Monroe, Dilworth of Tishemingo, Frost, Gibbs, Gilleland, Greaves Green of Tippah, Guy, Harris, Harrison, Holleman, Hughs, Hyneman, Kennedy, Lemly, Leonard, McAfee, McCaughan, Malone, Metcalf, Millsaps, Moody, Moore, Pettus, Potts, Randall, Robertson, Rushing, Singleton, Smyth of Winston, Thompson, Totten, Wade, Weathersby and Woodbury—47.

Those who voted in the negative, are,

Messrs. Allen, Baily, Beaty, Berry of Simpson, Buford, Bynum, Emanuel, Farrar, Fontaine, Foster, Fowles, Green of Hinds, McDonald, McInnis, Nash, North, Pendleton, Pope, Sessions, Sharkey, Simmons, Simrall, Spann, Torrey, Walker and White—26.

On motion of Mr. Beaty,

A call of the house was had.

On motion of Mr. Cushman,

The further call was suspended.

The question was then taken on the adoption of the resolution, and decided in the affirmative by yeas and nays as follows:

Those who voted in the affirmative, are,

Mr. Speaker, Messrs. Abbott, Archer, Cannon, Carson, Chewning, Connell, Cowan, Crain, Cushman, Dilworth of Monroe, Dilworth of Tishemingo, Gibbs, Gilleland, Greaves, Green of Tippah, Griffin, Guy, Harris, Harrison, Hughs, Hyneman, Kennedy, Lemley, Leonard, Malone, McCaughan, Metcalf, Millsaps, Moore, Potts, Randall, Robertson, Singleton, Smyth of Winston, Thompson, Totten, Wade, Weathersby and Woodbury—40.

Those who voted in the negative, are,

Messrs. Adams, Allen, Baily, Beaty, Berry of Simpson, Buford, Bynum, Chambers, Emanuel, Farrar, Fontaine, Foster, Fowles, Frost, Green of Hinds, Holleman, Loper, McAfee, McDonald, McInnis, Moody, Nash, North, Pendleton, Pettus, Pope, Rushing,

Sharkey, Simmons, Simrall, Spann, Torrey, Walker and White—34.

The special order, to wit: the appropriation bill was taken up.

Mr. Wade moved that the house resolve itself forthwith into committee of the whole on said bill;

Which was decided in the affirmative;

But before the house prosecuted said order, the house,

On motion of Mr. Allen,

Adjourned until 3 o'clock p. m.

THREE O'CLOCK, P. M.

The house met pursuant to adjournment.

The house resolved itself into committee of the whole on the appropriation bill,

Mr. Singleton in the chair.

After some time spent therein, the committee rose and reported the bill back with sundry amendments, and asked to be discharged from the further consideration of the same;

Which was received, and,

On motion of Mr. Totten,

Laid on the table.

Mr. Walker gave notice that he would move a reconsideration of the vote taken on yesterday, rejecting the bill for the relief of William Nichols.

Mr. Allen gave notice that he would move a reconsideration of the vote taken on the bill for the relief of the public printer.

Mr. Sessions made the following report:

Mr. Speaker—The joint standing committee on enrolled bills have this day presented to his excellency the governor for his approval and signature, bills which originated in the house of representatives of the following titles:

An act, to prescribe the duties of jailors in relation to runaway slaves, and to fix the penalty for violating the same;

An act, entitled an act to amend an act to reduce the fees of certain officers therein named, approved 10th Feb., 1844;

An act, for the relief of the heirs of Washington Dorsey;

An act, the better to secure the organization of the counties of Jones, Wayne, Clarke and Covington.

An act, to remove the county seat of Sunflower county;

An act, to provide for the erection of permanent school houses in the city of Jackson, and for other purposes;

An act, to change the practice of the circuit court of Yazoo county in relation to juries;

An act, to change the labor of convicts in the state penitentiary, and for other purposes;

An act, prohibiting the license of certain ferries upon the Chickasaha river, in Green county, and for other purposes;

A resolution, relative to the secretary of state.

On motion of Mr. Moody,

The house took a recess until 7 o'clock.

7 O'CLOCK, EVENING.

The house met pursuant to adjournment,

The following message was received from the senate by Mr. Wilcox, their secretary:

MR. SPEAKER—The senate have passed the following bills:

A bill to be entitled,

An act, to change the name of Martha Ann McHenry and Mary Jane McHenry to Martha Ann Hall and Mary Jane Hall;

A bill to be entitled,

An act, to amend the laws now in force in this state, regulating proceedings against slaves, charged with grand larceny, and for other purposes;

A bill to be entitled,

An act, supplementary to an act, passed at the present session of the legislature, entitled an act to establish a system of common schools, and for other purposes;

In which I am instructed to desire the concurrence of the house of representatives.

On motion of Mr. Greaves,

The senate bill entitled,

An act, to authorize the auditor of public accounts to remit the damages of 30 per cent. now required to be charged against defaulting tax collectors in certain cases, &c., &c., was called from the table and read the second time.

Mr. Allen moved that the bill be laid on the table;

Which was sustained.

The senate bill entitled,

An act, to change the name of Martha Ann McHenry and Mary Jane McHenry,

Was read three several times and passed.

The senate bill entitled,

An act, supplemetal to an act, passed at the present session of the legislature, to establish a system of common schools,

Was read three several times and passed.

The senate bill, to amend the laws now in force in this state regulating proceedings against slaves charged with grand larceny, and for other purposes,

Was read three several times and passed.

The question was then taken,

On motion of Mr. Allen, previously made,

To reconsider the vote on the indefinite postponement of the bill for the relief of the public printer's, and deciced in the negative.

On motion of Mr. Moody,

The report of the committee of the whole on the appropriation bill,

Was called from the table.

The first amendment to the report, in relation to Edwin Moody, was considered and disagreed to by yeas and nays as follows:

Those who voted in the affirmative, are,

Messrs. Allen, Beaty, Carson, Emanuel, Ewing, Farrar, Foster, Fowles, Greaves, Green of Hinds, Harrison, Lemly, Leonard, May, McCaughan, McInnis, Moody, Nash, North, Pendleton, Pettus, Rossman, Sessions, Sharkey, Simrall, Spann and White—26.

Those who voted in the negative, are,

Mr. Speaker, Messrs. Abbott, Berry of Simpson, Buford, Bynum, Chambers, Chewning, Connell, Cowan, Crain, Dilworth of Monroe, Dilworth of Tishemingo, Gibbs, Gilleland, Green of Tippah, Griffin, Holleman, Hughs, Hyneman, Kennedy, Loper, Malone, McAfee, McDonald, Metcalf, Millsaps, Moore, Potts, Robertson, Rushing, Simmons, Singleton, Thompson, Torrey, Totten, Wade, Walker and Weathersby—38.

The question was then taken on agreeing to the 2nd amendment in relation to the appropriation to G. F. Henry, and decided in the negative by yeas and nays as follows:

Those who voted in the affirmative, are,

Messrs. Ewing, Sessions and White.—3.

NAYS—55.

The third amendment in article 70, by striking out $18 60, and insert $15 00,

Was agreed to.

The fourth amendment, relative to David R. Jones, sheriff of Scott county,

Was agreed to.

The 5th amendment to article 28, by striking out the first line and inserting "to J. J. Pottus, for the use of Joseph Pearse, David Pearse, Ducal Mullins, William Barnes and Jesse G. Gilmore,

Was agreed to.

On motion of Mr. Totten,

The amendments were ordered to be engrossed, and the bill made the first special order of the day for 10 o'clock to-morrow.

The question was then taken on the motion previously made by Mr. Walker to reconsider the vote taken on the rejection of the bill for the relief of William Nichols;

Which was lost.

Mr. Kennedy offered the following resolution:

Resolved, The senate concurring, that the joint resolution of the two houses, fixing upon the 5th of March for adjournment, be so amended as to require the two houses to adjourn on Friday the 6th of March.

Mr. Harris moved that the rule, requiring joint resolutions to lay one day on the table, be suspended.

Mr. Allen asked if it was competent for a majority to suspend the rule, requiring joint resolutions to lay one day on the table.

The chair decided that it was competent under the 32nd rule of the house for a majority to take a joint resolution up and act upon it forthwith.

Mr. Allen appealed from the decision of the chair.

The question was then taken, shall the decision of the chair be sustained, and decided in the affirmative.

The question was then taken on the adoption of the resolution, and decided in the affirmative by yeas and nays.

Those who voted in the affirmative, are,

Mr. Speaker, Messrs. Abbott, Cannon, Carson, Chambers, Chewning, Connell, Cowan, Crain, Dilworth of Monroe, Dilworth

of Tishemingo, Gibbs, Gilleland, Greaves, Green of Tippah, Griffin, Guy, Harris, Harrison, Hyneman, Kennedy, Lemley, Leonard, Malone, McCaughan, McDonald, McInnis, Metcalf, Millsaps, Moody, Moore, Potts, Robertson, Singleton, Smyth of Winston, Thompson, Totten, Wade, Walker and Weathersby—37.

Those who voted in the negative, are,

Messrs. Allen, Beaty, Berry of Simpson, Bynum, Emanuel, Ewing, Farrar, Fowles, Green of Hinds, Loper, May, McAfee, Nash, North, Pendleton, Pettus, Rossman, Rushing, Sessions, Sharkey, Simmons, Simrall, Spann, Torrey and White—26.

Mr. Abbott, by leave, introduced

A bill, to be entitled,

An act, to amend an act entitled an act to amend and reduce into one the several acts in relation to the revenue of this state, and for other purposes, approved Feb. 24, 1844;

Which was read the first time.

On motion of Mr. Kennedy,

The house adjourned until 9 o'clock to-morrow.

THURSDAY, MARCH 5, 1846.

The house met pursuant to adjournment,

And its deliberations opened with prayer by the Rev. L. J. Halsey of the city of Jackson.

On motion of Mr. Totten,

Leave of absence was granted to Messrs. Potts and Millsaps.

On motion of Mr. Harrison,

The bill entitled,

An act to define the fees of judges of probate, in certain cases, and for other purposes,

Was called from the orders of the day, read the second and third times and passed.

On Motion of Mr. Totten,

The bill entitled,

An act, to repeal the law of liens of judgments in justices' courts, and for other purposes,

Was called from the orders of the day and read the second time.

Mr. Totten asked for a suspension of the rules;

Which was refused.

The question was then taken on the motion of Mr. Allen, previously made, to reconsider the vote taken on the rejection of the bill relative to the Northern bank of Mississippi, and decided in the affirmative, the bill read the second and third time, and passed by yeas and nays as follows:

Those who voted in the affirmative, are,

Messrs. Allen, Archer, Beaty, Buford, Carson, Chambers, Chewning, Cowan, Crain, Cushman, Dilworth of Tishemingo, Emanuel, Farrar, Foster, Fowles, Gibbs, Gilleland, Green of Hinds, Green of Tippah, Griffin, Hyneman, Kennedy, Lemley, Loper, McCaughan, McDonald, Metcalf, North, Pendleton, Pope, Randall, Robertson, Sessions, Sharkey, Simrall, Smyth of Winston and Totten.

Those who voted in the negative, are,

Mr. Speaker, Abbott, Adams, Bynum, Cannon, Dilworth of Monroe, Ewing, Frost, Greaves, Guy, Harrison, Holleman, Leonard, McAfee, McNabb, Moore, Rossman, Singleton, Thompson, Walker and Woodbury—21.

Mr. Chewning, from the select committee to whom was referred the petition of Ephraim Prow, reported,

A bill to be entitled,

An act, for his relief;

Which was received and agreed to, and the bill read three several times and passed.

Mr. Walker made the following report:

Mr. Speaker—The joint standing committee on enrolled bills have this day examined,

An act, to authorize the mayor and aldermen of the city of Jackson to erect a toll bridge across Pearl river, and for other purposes;

An act, supplemental to an act entitled an act to establish a system of common schools, and for other purposes;

An act, making compensation for repairs on the public buildings and for other purposes;

An act, entitled an act declaring Noxubee river a navigable stream, approved Feb. 15, 1838.

Resolution, in relation to the reception of money by the state of Mississippi from the United States;

An act, to revise an act to incorporate the Eagle rail road and lumber company;

An act, for the relief of William L. Sharkey;

An act, amendatory and explanatory of an act to designate in what manner, and in what courts suits shall be brought against the state of Mississippi, approved Feb. 15, 1833;

An act, to amend the laws of the state in relation to the enrollment and leins of judgments at law, and decrees in chancery;

An act, to provide for cases where no executor or administrator will qualify under a last will and testament, and undertake to carry it into effect;

An act, supplemental to an act, passed at the present session of the legislature, entitled an act to establish a system of common schools, and for other purposes;

A resolution, in relation to the secretary of the senate and his two assistants, and the clerk of the house of representatives and his two assistants;

An act, regulating the powers of the tax collectors;

An act, to amend an act entitled an act, approved February 24, 1844, entitled an act to amend the several acts of limitations, and for other purposes;

And have found the same correctly enrolled.

A message from the senate by Mr. Wilcox, their secretary:

The president of the senate has signed acts originating in the senate of the following titles:

An act, to amend an act entitled an act, approved Feb. 24, 1844, entitled an act to amend the several acts of limitations, and for other purposes;

An act, to amend the laws of the state, in relation to the enrollment and leins of judgments at law and decrees in chancery;

An act, to provide for cases where no executor or administrator will qualify under a last will and testament, &c.;

An act, for the relief of William L. Sharkey;

An act, amendatory and explanatory of an act to designate in what manner and in what courts suits shall be brought against the state of Mississippi, approved Feb. 15, 1833;

An act, supplemental to an act passed at the present session of

the legislature entitled an act to establish a system of common schools, and for other purposes;

An act, regulating the powers of the tax collectors;

A resolution, in relation to the secretary of the senate and his two assistants, and the clerk of the house of representatives and his two assistants.

The senate have refused to concur in the resolution from the house of representatives, rescinding the resolution from the senate for the adjournment of the legislature.

The senate have adopted a resolution from the house of representatives in relation to the secretary of state.

The sennte have adopted a resolution, granting leave of absence to John D. Freeman, attorney general.

On motion of Mr. Thompson,

The bill entitled,

An act, to amend an act entitled an act to regulate the mode of obtaining license to sell vinous and spirituous liquors,

Was called from the orders of the day, and read the second time.

Mr. Thompson asked leave for a suspension of the rules;

Which was refused.

The special order, viz:

The appropriation bill,

Was taken up, and read the third time.

Mr. Hyneman offered the following amendment by way of ryder:

"Price and Fall, to three hundred and thirty dollars, for daily papers distributed to the members of the legislature, and one hundred and fifty dollars to the editor of the Southron.

Mr. McCaughan offered the following ryder to the ryder:

One hundred dollars to the ministers who have performed the service of praying for the house during the present session.

After some discussion, the amendment to the ryder was withdrawn.

Mr. Hyneman was permitted to withdraw his ryder.

The question was then taken on the passage of the bill as amended and decided in the affirmative.

On motion of Mr. Gibbs,

The subject relating to the payment of the editors of the Mississippian and Southron,

Was referred to select committee of three, consisting of Messrs. Gibbs, Hyneman and Cushman.

On motion of Mr. Singleton,

The bill entitled,

An act, to amend the 21st section of an act entitled an act to amend and reduce into one the several acts in relation to the revenue of this state, and for other purposes,

Was called from the orders of the day, read the third time and passed.

Mr. Sharkey made the following report:

Mr. Speaker—The joint standing committee on federal relations, to whom was referred the governor's special message, covering sundry resolutions of the legislature of Georgia touching the controversy between the states of South Carolina and Louisiana on the one side, and Massachusetts on the other, have had the same under consideration; and though your committee regret the necessity for an expression of opinion by this legislature in a controversy between sister states, yet your committee believe it to be the imperative duty of every slave holding state in the union, to pass, and strictly enforce such laws as will prevent in any manner the introduction of free negroes within their respective territories. Your committee, therefore, recommend that the legislature of Mississippi concur in the resolutions of the state of Georgia on the above subject herewith reported.

The above report was accompanied with a resolution on the subject;

Which was received and agreed to, the resolution read three several times and passed.

Mr. Simrall presented the following dissent:

The undersigned, in voting for the bill to divide this state into four congressional districts, do not approve of so much of said act, as either directly, or by implication, denies to the congress of the United States the authority to alter or change the "*regulations*" which the state legislatures may make for election of representatives to congress, "except as to the places of choosing senators."

They believe that the section of the bill alluded to, is wholy unnecessary, and indicates an indisposition on the part of the state

to perform her constitutional duty as one of the members of the confederacy.

R. F. SIMRALL,
M. EMANMEL,
H. W. ALLEN,
A. H. SMITH,
JAS. L. ALCORN,
P. D. EWING,
CHAS. S. SPANN,
J. S. BAILY,
IRA N. NASH,
ORVILLE HARRISON,
WILLIAM C. FOSTER,
J. E. SHARKEY,
WM. B. FOWLES,
A. R. GREEN,
RALPH NORTH,
HENRY P. POPE,
A. SESSIONS,
DAVID BEATY.

A message from the senate:

MR. SPEAKER—The senate have passed the following bills from the house:

A bill to be entitled,

An act, for the relief of Roger A. Heirn and others, owners of the tract of land known as the Livingston grant at Pass Christian, in Harrison county.

The resolution, appropriating room No. 4, in the capitol, to the state commissioner, was,

On motion of Mr. Harris,

Called up, read the third time and passed.

The bill entitled,

An act, to repeal the forthcoming bond law, and for other purposes, was,

On motion of Mr. Pendleton,

Called up and read the second time.

On motion of Mr. Sessions,

The bill was laid on the table.

The bill entitled,

An act, for paying coroner's juries, was,

On motion of Mr. Emanuel,

Called up and read the second time.

Mr. Emanuel asked for a suspension of the rules;

Which was refused.

The bill entitled,

An act, to define the duties of county surveyors, and to fix their fees, was,

On motion of Mr. Whitfield,

Called up and read the second time:

Mr. Green of Tippah moved to lay the bill on the table,

Which was lost.

Mr. Sessions offered the following amendment:

Amend the 3d section by striking out "original," and inserting "government;"

Which was adopted.

Mr. Sessions asked for a suspension of the rules;

Which was refused.

The bill entitled,

An act, to provide for the allowance and payment of physician's claims in certain cases, was,

On motion of Mr. Walker,

Called from the orders of the day and read the second time.

Mr. Simrall offered the following amendment:

Add at the close of 2nd section, "provided, also, that before the sheriff or coroner shall call in any physician, the defendant or defendants, or some justice of the peace shall certify under hand and seal that it is necessary for said negro or negroes to have medical aid."

Before the question was taken,

On motion of Mr. Metcalf,

The bill and amendment was laid on the table.

Mr. Gibbs, from the select committee to whom was referred the resolution in relation to the publishers of newspapers in Jackson, reported a resolution in relation to the publishers of newspapers in Jackson;

Which was received and agreed to, and the resolution read the

first and second time, and referred to the committee of the whole forthwith,

Mr. Gilleland in the chair.

After some time spent therein, the committee rose, reported the resolution back without amendment and recommended its passage;

Which was received and agreed to, the resolution read the third time and passed by yeas and nays as follows:

Those who voted in the affirmative, are,

Mr. Speaker, Messrs. Abbott, Adams, Allen, Archer, Baily, Beaty, Bynum, Carson, Chewning, Emanuel, Farrar, Fontaine, Fowles, Frost, Gibbs, Gilleland, Greaves, Green of Hinds, Green of Tippah, Griffin, Harris, Harrison, Holleman, Hyneman, Kennedy, Lemly, McNabb, McAfee, McCaughan, McInnis, North, Pendleton, Pettus, Randall, Robertson, Rossman, Sessions, Sharkey, Simrall, Singleton, Spann, Thompson, Torrey, Totten and Wade—46.

Those who voted in the negative, are,

Messrs. Cannon, Connell, Dilworth of Monroe, Dilworth of Tishemingo, Guy, Loper, McDonald, Metcalf, Moore, Walker and Weathersby—11.

The speaker presented to the house the following communication from the treasurer:

To the honorable speaker of the house of representatives:

Dear Sir—I enclose to you the accompanying request of Thompson P. Ware. You will please to have delivered to him the papers mentioned in his communication.

I have the honor to be,

Very respectfully, your ob't. se'vt.,

W. CLARKE,

State Treasurer.

The senate resolution,

Granting leave of absence to John D. Freeman,

Was read three several times and passed.

The bill entitled,

An act, to provide for the payment of the debts due for the state library, was,

On motion of Mr. Cushman,

Called from the orders of the day and read the second time.

Mr. Cushman moved to strike out the first section;

Which was sustained.

Mr. Cushman offered an amendment by way of additional section;

Which was adopted.

The rule being suspended, the bill was read the third time and passed as amended.

On motion of Mr. Cushman,

The latter clause of the title was stricken out.

Mr. Connell, from the joint standing committee on claims, to whom was referred the petition of sundry citizens of London, holders of the Union bank bonds, praying that an appropriation may be made to pay the interest thereon, reported that it is inexpedient at this late day of the session to take any action thereon;

Which was received and agreed to.

The senate memorial to the congress of the United States,

Was read the second and third time and passed.

The senate bill for the relief of securities due the state of Mississippi on account of the sinking fund and town lot fund in the city of Jackson, was,

On motion of Mr. Harris,

Laid on the table.

The senate bill entitled,

An act, to provide for the appointment of commissioners in the several states; and also,

The bill entitled,

An act, to provide for the allowance of the claims of physicians; also,

An act, to repeal an act entitled an act to prevent the sacrifice of real estate sold under execution, decrees in chancery and deeds of trust, approved Feb. 28th, 1842; also,

An act, to authorize the holders of bonds, and writings obligatory to sue in one action the makers and endorsers, and for other purposes,

Were laid on the table.

The senate bill to declare Quivee river and Tompkins bayou, and the bayou, known as dry bayou, navigable streams; also,

The senate bill entitled,

An act, to incorporate Concert lodge, No. 12, of the independent order of odd fellows,

Were each read three several times and passed.

The senate memorial to the congress of the United States,

Was read the 2nd and 3d time and passed.

The senate bill entitled,

An act, to repeal an act to exempt from sale certain property therein mentioned, approved January 22, 1841, was,

On motion of Mr. Harris,

Laid on the table.

The house bill entitled,

An act, to authorize the auditor to employ a clerk when the business of his office shall require it,

Was laid on the table.

The senate memorial to congress,

Was read the second and third time and passed.

The senate bill to regulate the time of holding the sessions of the superior court of chancery,

Was laid on the table.

The house bill for the relief of married women who sue for divorce,

Was laid on the table.

The bill entitled,

An act, to repeal all laws now in force for the collection of debts,

Was laid on the table.

A message from the senate:

Mr. Speaker—The president of the senate has signed the following acts originating in the house of representatives:

An act, making compensation for repairs on the public buildings, and for other purposes;

An act, supplemental to an act entitled an act to establish a system of common schools, and for other purposes;

An act, entitled an act to amend an act declaring Noxubee river a navigable stream, approved Feb. 15, 1838;

An act, to authorize the mayor and aldermen of the city of Jackson to erect a bridge across Pearl river, and for other purposes;

An act, to revive an act entitled an act to incorporate the Eagle rail road and lumber company;

Resolution in relation to the reception of money by the state of Mississippi from the United States.

The senate have passed a bill from the house of representatives to be entitled,

An act, to amend the laws of this state in relation to unlawful and forcible entry and detainer;

And have made an amendment thereto,

In which I am instructed to desire the concurrence of the house of representatives.

The house bill entitled,

An act, to authorize the commissioners of the seminary fund to compound with the debtors thereof,

Was read the third time and passed.

The house bill, changing the mode of appointing patrols in this state,

Was laid on the table.

The house memorial to the congress of the United States,

Was read the third time and passed.

The senate bill, to incorporate the trustees of the 1st Presbyterian church of Yazoo city,

Was read the 2nd and 3d time and passed.

The senate bill entitled,

An act, to authorize the Grand Gulf rail road and banking company to sell their road,

Was read the second time.

Mr. Harris moved to lay the bill on the table.

No quorum voting, the question was suspended; and,

On motion of Mr. Wade,

The house adjourned until 3 o'clock.

3 O'CLOCK, P. M.

The house met pursuant to adjournment.

The unfinished business was then taken up, viz:

Mr. Harris' motion to lay the bill on the table relative to the Grand Gulf bank.

The question was taken on laying the bill on the table, and decided in the affirmative.

The bill entitled,

An act, to extend and regulate the remedy by attachment;

Was read the third time and passed.

A message from the senate:

Mr. Speaker—The senate have concurred in the amendments made by the house of representatives to a bill from the senate to be entitled,

An act, making certain appropriations therein named;

And have made an amendment thereto,

In which I am instructed to desire the concurrence of the house of representatives.

The senate have passed a bill from the house of representatives of the following title:

A bill, to be entitled,

An act, to amend, and reduce into one the several acts in relation to the revenue of this state, and for other purposes;

And have made an amendment thereto,

In which I am instructed to desire the concurrence of the house of representatives.

Mr. Kennedy moved that the house disagree to the amendments made by the senate to the house bill relative to the revenue;

Which was decided in the affirmative by yeas and nays as follows:

Those who voted in the affirmative, are,

Mr. Speaker, Messrs. Abbott, Bynum, Cannon, Chambers, Chewning, Connell, Cowan, Dilworth of Tishcmingo, Frost, Gibbs Gilleland, Greaves, Green of Hinds, Green of Tippah, Griffin, Guy, Harris, Harrison, Holleman, Kennedy, Lemly, Loper, McAfee, McCaughan, McDonald, McInnis, McNabb, Moody, Pope, Randall, Robertson, Rossman, Sessions, Singleton, Spann, Thompson, Totten, Wade, Walker and Weathersby—40.

Those who voted in the negative, are,

Messrs. Allen, Archer, Baily, Beaty, Buford, Crain, Cushman, Dilworth of Monroe, Ewing, Farrar, Fowles, May, Moore, North, Pendleton, Pettus, Sharkey, Simrall, Torrey and White—21.

On motion of Mr. Connell,

The house concurred in the amendment made by the senate to the appropriation bill.

On motion of Mr. North,

The house concurred in the amendment made by the senate to the house bill entitled,

An act, to amend the laws of the state in relation to unlawful and forcible entry and detainer.

Mr. Sharkey, from the select committee to whom was referred the petition of John H. McDaniel, reported a bill for his relief;

Which was received and laid on the table.

Mr. Walker made the following report:

Mr. Speaker—The joint standing committee on enrolled bills, have this day examined bills of the following titles:

An act, to change the name of Martha Ann McHenry and Mary Jane McHenry to Martha Ann Hall and Mary Jane Hall;

An act, to amend the laws now in force in this state, regulating proceedings against slaves charged with grand larceny, and for other purposes;

Resolution, requiring the secretary of state to distribute Smedes and Marshall's reports to circuit judges;

An act, for the relief of Roger A. Heirn and others, owners of the tract of land known as the Livingston grant at Pass Christian, in Harrison county;

A resolution, appropriating room No. 4, in the basement story of the capitol, to the state commissioner;

Resolution, granting leave of absence to John D. Freeman, attorney general;

An act, to amend the several laws of the state in relation to courts of probate;

And have found the same correctly enrolled.

They have also presented to his excellency, the governor, for his signature and approval,

An act, to change the names of Martha Ann McHenry and Mary Jane McHenry to Martha Ann Hall and Mary Jane Hall;

An act, for the relief of Roger A. Heirn and others, owners of the tract of land known as the Livingston tract at Pass Christian, in Harrison county;

An act, to amend the laws now in force in this state, regulating proceedings against slaves charged with grand larceny, and for other purposes;

Resolution, granting leave of absence to John D. Freeman, attorney general;

A resolution, appropriating room No. 4, in the basement story of the capitol, to the state commissioner;

An act, to amend the several laws of the state in relation to courts of probate.

The bill entitled,

An act, to authorize and empower the governor to appoint a private secretary, was,

On motion of Mr. Greaves,

Called up and read the second time.

Mr. Green of Tippah moved to lay the bill on the table;

Which was sustained.

A message from the senate:

Mr. Speaker—The senate have passed a bill from the house of representatives to be entitled,

An act, to authorize the commissioner of the seminary fund to compound with the debtors thereof; also,

A resolution, in relation to the controversy between the states of South Carolina and Louisiana on the one side and Massachusetts on the other.

The president of the senate has signed acts which originated in the senate of the following titles;

An act, supplemental to an act passed at the present session of the legislature entitled an act to establish a system of common schools, and for other purposes;

An act, to amend the laws now in force in this state regulating proceedings against slaves charged with grand larceny, and for other purposes;

An act, to change the names of Martha Ann McHenry and Mary Jane McHenry to Martha Ann Hall and Mary Jane Hall;

Resolution, granting leave of absence to J. D. Freeman;

A resolution, appropriating room No. 4, in the basement story of the capitol, to the state commissioner;

An act, to amend the several laws of this state in relation to courts of probate;

Which I am instructed to present to the speaker of the house of representatives for his signature.

Also, the following bills originating in the house of representatives:

An act, for the relief of Roger A. Heirn and others, owners of

the tract of land known as the Livingston grant at Pass Christian, in Harrison county;

Resolution, requiring the secretary of state to distribute Smedes and Marshall's reports to circuit judges.

The senate have passed the following bills from the house of representatives:

A bill to be entitled,

An act, in relation to the town lot fund, and for other purposes;

A bill to be entitled,

An act, to revive certain sections of the revised code in relation to the introduction of slaves into this state;

And have made an amendment thereto;

In which I am instructed to desire the concurrence of the house of representatives.

A resolution, to compensate publishers of newspapers in the city of Jackson for papers furnished during the present session.

Mr. Walker made the following report:

Mr. Speaker.—The joint standing committee on enrolled bills have this day presented to his excellency, the governor, for his approval and signature, bills of the following titles:

An act, to amend an act entitled an act, approved February 24 1844, entitled an act to amend the several acts of limitations, and for other purposes;

An act, amendatory and explanatory of an act to designate in what manner and in what courts suits shall be brought against the state of Mississippi, approved Feb. 15, 1833;

An act, supplemental to an act passed at the present session of the legislature entitled an act to establish a system of common schools, and for other purposes;

An act, for the relief of William L. Sharkey;

An act, to provide for cases where no executor or administrator will qualify under a last will and testament, and undertake to carry it into effect;

An act, to amend the laws of the state in relation to the enrollment and leins of judgments at law and decrees in chancery;

An act, regulating the powers of the tax collectors;

A resolution, in relation to the secretary of the senate and his two assistants, and the clerk of the house of representatives and his two assistants.

An act, making compensation for repairs on the public buildings and for other purposes;

An act, supplemental to an act entitled an act to establish a system of common schools, and for other purposes;

An act, entitled an act declaring Noxubee river a navigable stream, approved Feb. 15, 1838.

An act, to authorize the mayor and aldermen of the city of Jackson to erect a toll bridge across Pearl river, and for other purposes;

Resolution, in relation to the reception of money by the state of Mississippi from the United States;

On motion of Mr. Simrall,

The house concurred in the amendment made by the senate to the house bill entitled,

An act, to revive certain sections of the revised code in relation to the introduction of slaves into this state.

Mr. Wade moved to reconsider the vote taken in laying the bill relative to the Grand Gulf bank on the table;

Which was sustained.

Mr. Allen asked for a suspension of the rules;

Which was refused.

A message from the senate:

Mr. Speaker—The senate insist upon their amendment to the bill from the house of representatives to be entitled,

An act, to amend and reduce into one the several acts in relation to the revenue of this state, and for other purposes,

And ask a committee of conference,

And have appointed on the part of the senate, Messrs. Miles, Matthews and Turner.

The house,

On motion of Mr. Kennedy,

Concurred in the above message, and the chair appointed on the part of the house Messrs. Totten, Kennedy, Sessions, Abbot and Cannon.

The speaker vacated the chair for the purpose of signing bills.

Mr. Greaves offered the following resolution:

Resolved, unanimously, that the thanks of this house are due to the Hon. James Whitfield, for the able, dignified and impartial

manner in which he has presided over its deliberations during the present session;

Which was adopted unanimously.

Mr. McNabb offered the following resolution:

Resolved, That the thanks of the members of this house are due, and hereby tendered to N. G. North, reading clerk, for the able and efficient manner he has discharged the duties of his office during the present session of the legislature;

Which was adopted unanimously.

Mr. Greaves moved to call from the table the bill relative to the governor appointing a private secretary;

Which was sustained.

Mr. Lemly moved to strike out $800 and insert $500, in lieu of all other compensation.

The question was taken on striking out, and decided in the affirmative, and the amendment adopted.

Mr. Greaves asked for a suspension of the rules;

Which was refused.

Mr. Hyneman offered the following resolution:

Resolved, That John D. Montgomery, clerk of this house, has discharged his duties with a promptness and economy which merits the entire approbation of the members of this branch of the legislature, and that all the assistant clerks appointed by him have discharged their duties to the entire satisfaction of the house;

Which was adopted unanimously.

Mr. Connell offered the following resolution:

Resolved, That the thanks of this house are due to, and hereby tendered to the Hon. James M. Wade for the impartial, dignified and able manner in which he has presided over the deliberations of this house as speaker, pro. tem.;

Which was adopted unanimously.

Mr. Walker made the following report:

Mr. Speaker—The joint standing committee on enrolled bills have this day examined,

An act, to declare Quivee, or Tompkins bayou, and the bayou known as dry bayou, navigable streams;

An act, to incorporate Concert lodge, No. 12, of the independent order of odd fellows in the city of Natchez;

An act, to incorporate the trustees of the first Presbyterian church of Yazoo city;

An act, in relation to the town lot fund, and for other purposes;

An act, to revive certain sections of the revised code in relation to the introduction of slaves into this state;

A memorial to the congress of the United States;

A resolution, to compensate the publishers of newspapers in the city of Jackson for papers furnished during the present session;

And have found the same correctly enrolled.

Mr. Totten, from the committee of conference on the revenue bill, made the following report:

Mr. Speaker—The committee of conference between the two houses, on

A bill, to be entitled,

An act, to amend and reduce into one the several acts in relation to the revenue of this state, and for other purposes,

Agree as follows:

Strike out the first section of the house bill after the enacting clause, and insert, "that hereafter all negroes under the age of sixty years shall be subject and liable to a tax of sixty cents each. That all lands liable to taxation under the laws of this state, shall be liable and subject to an ad valorem tax of one-fourth of one per cent.; and on all other articles and things the tax shall be the same as is imposed by an act entitled an act to reduce into one the several laws in relation to the revenue of this state, and for other purposes, approved Feb. 24, 1844."

Strike out of section 46, the words "whether funded or unfunded," and insert the words "which are unfunded."

All of which is respectfully submitted.

On motion of Mr. Kennedy,

The house concurred in the above report;

On motion of Mr. Gibbs,

The house adjourned until half past 7 o'clock.

HALF PAST SEVEN O'CLOCK, P. M.

The house met pursuant to adjournment.

A message from the senate:

MR. SPEAKER—The senate have concurred in the report of the committee of conference to whom was referred,

A bill to be entitled,

An act, to amend an act to reduce into one the several acts in relation to the revenue of this state.

The senate have disagreed to the amendments made by the house of representatives to a bill from the senate to be entitled,

An act, to provide for the payment of the debts due for the state library and for an interchange of books between this state and the several states of the union.

On motion of Mr. Harris,

The house receded from its amendments made to the bill entitled an act relative to the state library.

Mr. Moore offered the following resolutions:

Resolved, That this house place a high estimate upon the abilities of Mr. E. P. Russell as a clerk thereof, and that the thanks of this house are hereby tendered to him: *Be it further resolved*, That the special thanks of this house are due to the assistant clerk Mr. James M. Chiles, for the skill and attention with which he has discharged his duties as an officer of this house;

Which were unanimously adopted.

On motion of Mr. Allen,

The bill entitled an act for the relief of Franklin Crom,

Was called up, read the third time and passed.

Mr. White, by leave, introduced a resolution to the legislature of the State of Mississippi, authorizing the keeper of the capital to have the chandaliers of the house and senate, &c., repaired;

Which read the first time.

Mr. White asked for a suspension of the rule;

Which was refused.

On motion of Mr. McCaughan,

The bill to repeal all laws now in force for the collection of debts,

Was called from the orders of the day, and read the third time.

On motion of Mr. Allen,

The house resolved itself forthwith into committee of the whole on said bill;

Mr. Allen in the chair.

After some time spent therein, the committee rose, reported the bill back as amended and recommended it passage;

Which was received.

On motion of Mr. Kennedy,

The report was laid on the table.

Mr. Walker made the following report:

Mr. SPEAKER: The joint standing committee on enrolled bills, have this day examined:

An act to authorize the commissioner of the seminary fund to compound with the debtors thereof;

A resolution in relation to the controversy between the states of South Carolina and Louisiana on the one side, and Massachusetts on the other;

An act to amend and reduce into one the several acts in relation to the revenue of this state, and for other purposes;

An act to provide for the payment of debts due for the state library, and for an interchange of books between this state and the several states of the Union;

An act making certain appropriations therein named;

And found the same correctly enrolled;

And also, a memorial, &c., to the Congress of the United States;

And a bill to amend the laws of this state in relation to unlawful and forcible entry and detainer.

Mr. Ewing offered the following resolution:

Resolved unanimously, That the thanks of this house are hereby tendered to the ministers of the gospel, who have officiated as chaplains during this session of the legislature;

Which was unanimously adopted.

A message from the senate, by Mr. Wilcox, their secretary:

Mr. SPEAKER: The senate have adopted the following joint resolution:

Resolved, With the concurrence of the house of representatives that a joint committee of three on the part of the senate, —— on the part of the house, be appointed to wait on his excellency the governor, and inform him that the two houses have discharged all the business before them, and are now ready to adjourn sine die, an

ascertain of him whether he has any further communications to present to the legislature, and have appointed on the part of the senate Messrs. Boothe, Williams and Wilburn.

On motion of Mr. Totten,

The house concurred in the above resolution, and the chair appointed on the part of the house, Messrs. Totten, Cushman, Fowles, Harris, Emanual, Farrar, and McAfee.

A message from the senate by Mr. Wilcox, their secretary:

Mr. Speaker: The President of the senate has signed acts originating in the senate of the following titles:

An act making certain appropriutions therein named.

An act to provide for the payment of the debts due for the state library, and for an interchange of books between this State and the several States of the Union.

And, also, the following acts, originating in the house of representatives:

An act to amend and reduce into one the several acts in relation to the revenue of this State and for other purposes;

An act to authorize the commissioner of the seminary fund to compound with the debtors thereof;

A resolution in relation to the controversy between the states of South Carolina and Louisiana, on the one side, and Massachusetts on the other.

Mr. Speaker: The president of the senate has signed the following acts originating in the senate:

A memorial of the legislature of the state of Mississippi to the Congress of the United States;

Also, the following act originating in the house of representatives:

An act to amend the laws of this state in relation to unlawful entry and forcible detainer.

On motion of Mr. McNabb,

It was unanimously resolved that the members of this house part with each other with the best feelings of brotherly love, and invoke the blessing of God upon each other during life.

The following message was received from his excellency the governor, by Mr. Nicholson, his private secretary:

Mr. Speaker: His excellency, the governor, has approved and

signed bills of the following titles, which originated in the house of representatives:

An act to change the practice of the circuit court of Yazoo county, in relation to juries;

An act to prescribe the duties of jailors in relation to runaway slaves, and to fix the penalty for violating the same;

An act entitled an act to amend an act to reduce the fees of certain officers therein named, approved 10th February 1844;

An act to change the labor of convicts in the state penitentiary and for other purposes;

An act the better to secure the organization of the counties of Jones, Wayne, Clark and Covington;

An act to remove the county seat of Sunflower county;

An act for the relief of the heirs of Washington Dorsey;

An act to provide for the erection of permanent school houses in the city of Jackson, and for other purposes;

A resolution relative to the secretary of state;

An act to authorize the mayor and aldermen of the city of Jackson to erect a bridge across Pearl river, and for other purposes;

An act entitled an act declaring Noxubee river a navigable stream, approved February 15th, 1838;

An act to revive an act entitled an act to incorporate the Eagle Rail Road and Lumber Company;

An act supplemental to an act entitled an act to establish a system of common schools, and for other purposes;

An act making compensation for the repairs on the public buildings, and for other purposes;

A resolution in relation to the reception of money by the State of Mississippi, from the United States;

An act to grant to Isham Daniel a charter for a ferry across Pearl river in Leake county, and for other purposes;

An act prohibiting the license of certain ferries upon the Chickasaw river, in Green county, and for other purposes;

An act for the relief of Roger A. Heirn and others, owners of the tract of land known as the Livingston Grant at Pass Christian, in Harrison county;

Resolution requiring the secretary of State to distribute Smede's & Marshall's Reports, to circuit judges;

An act in relation to the town lot fund and for other purposes;

An act to revive certain sections of the Revised Code in relation to the introduction of slaves into this state;

An act to incorporate Concord Lodge, No. 12, of the Independent Order of Odd Fellows, in the city of Natchez;

An act to declare Oliver or Tompkin's bayou and the bayou known as the Dry bayou, navigable streams;

An act to incorporate the trustees of the first presbyterian church of Yazoo city;

A resolution to compensate the publishers of newspapers in the city of Jackson, for papers furnished during the present session;

A memorial to the Congress of the United States;

An act to amend and reduce into one the several acts in relation to the revenue of this state, and for other purposes;

An act making certain appropriations therein named.

A resolution in relation to the controversy between the States of South Carolina and Louisiana on the one side and Massachusetts on the other;

An act to authorize the commissioner of the seminary fund to compound with the debtors thereof;

An act to amend the laws of this State in relation to unlawful and forcible entry and detainer.

Mr. Totten made the following report:

Mr. Speaker: The joint committee have, in pursuance of the order of the two houses, waited upon his excellency the governor, and informed him that the legislature had finished the business of the session, and to ask of him if he had any communication to make, and received for answer that he had no further communication to make to the legislature.

A message from the senate.

Mr. Speaker.—The senate have adopted the following resolution:

Resolved, That the secretary inform the house of representatives that the senate have completed its business, and are now ready to adjourn sine die.

The Speaker arose, and delivered the following address:

Gentlemen of the House of Representatives:

The resolution which has just been read calls for an expression of my feelings on the present occasion.

The terms of approbation in which your resolution is couched,

approving my course as the presiding officer of this house, during its present session, demands from me the expression of my gratitude for this expression of your confidence, and for which I tender to you my thanks. Gentlemen, I left home with no expectation of occupying, or a desire to occupy the distinguished office to which, by your partiality I have been called to fill. When I left home, my expectation and desire was, to occupy a seat on the floor of the house, where I could best serve and promote the interest of my constituents; but by your kindness, my labors have been directed differently.

On entering upon the duties of the office which I now occupy, the only promise made by me was, that the duties should be discharged with fidelity and impartiality, which promise I have endeavored to fulfil.

Next to the approbation and approval of my own conscience, my desire has been so to demean myself as to meet with the approval of the members of the house of representatives. Having received an expression of your approval of my official conduct, and the approval of my own conscience, my highest ambition has been attained.

It is exceedingly gratifying to know that the members of this house separate with the kindest feelings for each other, and it is still more gratifying that I am able to assure each member of the house of representatives, that I part with them with the best and kindest feelings. Your courtesy and forbearance toward me, have been most gratrful to my feelings; and for which I again tender you my thanks.

Gentlemen—our acts will go forth to the people of Mississippi, either for "weal or for woe," and we are now about to disperse and return to the bosom of our families, and to our constituents, and I trust we shall hear from them, the expression, "well done good and faithful servants." We are now about to separate, never, never, to meet again in this world, I must therefore be permitted to invoke the blessing of God to accompany us through life, comfort us in death, and be our lasting felicity beyond the grave.

The following remarks were made by the hon. Jas. W. Wade who was appointed speaker pro. tem., during the indisposition of the speaker. Mr. Wade being repeatedly called for, arose and said,

Gentlemen of the House of Representatives:

I had not expected upon this occasion any marked attention; and it is with extreme diffidence that I now rise to respond to the call just made upon me. The circumstances, however, that surround me, forbid my silence, and the feelings that at this moment pervade my bosom, prompt me to offer some expression of the gratitude which I feel for your generous confidence heretofore expressed, which emotions, at this time, are enlivened by the call just made. Your kind and respectful deportment towards me, since we first assembled under this roof, in the character of public servants, calls on me for a grateful acknowledgment, and especially for the honor conferred upon me, by calling me to preside over your deliberations, for the brief period, during the illness of our proper presiding officer. Though sensible that there were others of this body, far more competent to perform the duties of presiding officer, than myself; yet I am quite certain that no one could have entered upon the discharge of these responsible duties, faithfully to perform them, than myself. From my inexperience in that capacity, I was frequently thrown upon your indulgence, which so far as I know, was kindly extended, and by me properly appreciated. We have been assembled in the public service, nearly nine weeks; our duties have been arduous, and it is hoped, and believed, will redound to the public weal.

During a portion of our delibetations, in the heat of excited debate, there were occurrences to be regretted, but I am happy to say that at this moment, so far as I know, none but the kindest feelings pervades the bosome of the members of this body. We are about to conclude our labors, and gentlemen, duty points out the necessity of separation; and as an individual, it is with feelings of approbation and regret that I look forward to the moment which fast approaches, when we shall retire from this hall and separate for an indefinite period; each repairing to his home and family, there to resume his usual vocation.—Gentlemen, for your civilities at all times extended towards me, you have my unfeigned thanks; and for your future welfare, you have my most fervent wishes.

Upon motion of Mr. Harris,

The clerk was requested to inform the Senate that the House of Representative have completed its business, and are now ready to adjourn sine die.

The speaker arose and announced that in conformity with the joint resolutions passed by the two houses, this house stand adjourn sine die.

JAMES WHITFIELD,
Speaker of the House of Representatives.

JOHN D. MONTGOMERY,
Clerk of the House of Representatives.

A STATEMENT, showing the amount drawn for mileage and per diem compensation, by the members, clerks, door keepers and sergeant at arms, during the session of the legislature commencing 5th January, 1846.

Counties.	Names of members.		No. of miles ch'd.	Mileage—Compensation	No. of days ch'd.	Per diem compensation.	Total compensation.	Total expense of each county.	Am't. overdrawn
									$4
Adams	James Metcalf	s	358	$71 60	61	$244 00	$315 00		
	William B Fowles	r	340	68 00	60	240 00	308 00		
	Ralph North	r	310	62 00	59	236 00	298 00		
	B Pendleton	r	310	62 00	60	240 00	302 00	$1223 60	
Amite	Jehu Wall	s	248	49 60	57	228 00	277 60		
	T M Rogers	r	250	50 00	54	216 00	266 00		
	James M Smiley	r	220	44 00	44	176 00	220 00	753 60	
Attala	Samuel N. Gilleland	r	140	28 00	60	240 00	268 00	268 00	
Bolivar	James H. Carson	r	560	112 00	60	240 00	352 00	352 00	
Carroll	William Booth	s	200	40 00	60	240 00	280 00		
	John A Binford	r	240	48 00	54	216 00	264 00		
	Benjamin Kennedy	r	200	40 00	60	240 00	280 00	824 00	
Chickasaw	James F Walker	r	310	62 00	64	256 00	318 00		16
	John H Williams	s	320	64 00	59	236 00	300 00	618 00	
Choctaw	Edward Johnson	s	250	50 00	61	244 00	294 00		4
	G H Archer	r	250	50 00	60	240 00	290 00		
	George Huie	r	250	50 00	69	276 00	826 00	910 00	36
Claiborne	Rainsford Bybee	s	270	54 00	60	240 00	294 00		

Claiborne	Henry M. Allen	r	200	40 00	60	240 00	280 00		
	Walter Rossman	r	100	20 00	59	236 00	256 00	830 00	
Clark	Isham Moody	r	240	48 00	60	240 00	288 00	288 00	
Coplah	Stephen Tillman	s	80	16 00	64	256 00	272 00		16
	Robert E. Harris	r	80	16 00	60	240 00	256 00		
	J. H. Thompson	r	104	20 80	60	240 00	260 80	788 80	
Covington	Joseph McAllister	r	116	23 20	52	208 00	231 20	231 20	
Coahoma	James L. Alcorn	i	750	150 00	60	240 00	390 00	390 00	
De Soto	Felix Labaure	s	440	88 00	60	240 00	328 00		
	John W. Campbell	r	440	88 00	56	224 00	312 00		
	H. F. Robertson	r	440	88 00	60	240 00	328 00	968 00	
Franklin	Thomas S. Head	r	170	34 00	51	204 00	238 00		
	Edward Turner	s	190	38 00	61	244 00	282 00	520 00	4
Green	John McInnis	r	300	60 00	60	240 00	300 00	300 00	
Hancock	A. W. Ramsey	s	360	72 00	60	240 00	312 00		
	B. S. Leonard	r	350	70 00	64	256 00	326 00	614 00	16
Harrison	J. J. McCaughan	r	350	70 00	60	240 00	310 00	310 00	
Hinds	James Dupree	s	44	8 80	60	240 00	248 80		
	S. A. D. Greaves	r	36	7 20	60	240 00	247 20		
	Charles S. Spann	r	50	10 00	60	240 00	250 00		
	A. R. Green	r	34	6 80	54	216 00	222 80		
	Henry Pope	r	40	8 00	60	240 00	248 00	1216 80	
Holmes	Wm. M. Landsdale	s	148	29 60	64	256 00	275 60		16
	David Beaty	r	132	26 40	59	236 00	262 40		
	James W. Wade	r	120	24 00	60	266 00	290 00	838 00	
Itawamba	Russel O. Beene		420	84 00	58	232 00	316 00		

STATEMENT (*Continued.*)

Counties.	Names of members.		No. of miles ch'd.	Mileage—Compensation.	No. of days ch'd.	Per diem compensation.	Total compensation.	Total expense of each county.	Am't. over drawn
Itawamba	William Beene	r	420	84 00	58	232 00	316 00		
	William Cypert	r	408	81 60	62	248 00	329 60		8
	James C Hinds	r	420	84 00	58	232 00	316 00	1277 60	
Jackson	Lyman Randall	r	400	80 00	60	240 00	320 00	320 00	
Jasper	S R Adams	s	160	32 00	60	240 00	272 00		
	John McDonald	r	160	32 00	60	240 00	272 00	544 00	
Jefferson	George Torrey	r	160	32 00	60	240 00	272 00	272 00	
Jones	Drury Bynum	r	180	36 00	60	240 00	276 00	276 00	
Kemper	Peter H G Jennings	r							
	John [illegible]	r	230	46 00	60	240 00	286 00	286 00	
Lafayette	A H [illegible]	s	375	75 00	60	240 00	315 00		
	R H [illegible]	r	374	74 80	60	240 00	314 80		
	I H C [illegible]	r	360	72 00	60	240 00	312 00	941 80	
Lauderdale	E A [illegible]	s	240	48 00	59	236 00	284 00		
	W G [illegible]	r	240	48 00	59	236 00	284 00		
	Joseph Martin	r	260	52 00	59	236 00	288 00	856 00	
Lawrence	Arthur [illegible]	s	120	24 00	59	236 00	260 00		
	John [illegible]	r	130	26 00	60	240 00	266 00		
	William Weatherby	r	100	20 00	60	240 00	260 00	786 00	

Leake	George Pigg	s	110	22 60	60	240 00	262 00	
	Martin Grain	r	124	24 40	60	240 00	264 40	526 40
Lowndes	Pathey Lipscomb	s	300	60 00	60	240 00	300 00	
	James Whitfield	sp'k	300	60 00	60	360 00	420 00	
	Eli Abbot	r	300	60 00	60	240 00	300 00	
	John T Caldwell	r	280	56 00	60	240 00	296 00	1116 00
Madison	E H Ewing	r	50	10 00	59	236 00	246 00	
	O R Singleton	r	50	10 00	60	240 00	250 00	496 00
Marion	E C Stewart	r	220	44 00	60	240 00	284 00	284 00
Marshall	J W Matthews	s	450	90 00	60	240 00	330 00	
	James H Cowan	r	440	88 00	60	240 00	328 00	
	Thomas J Malone	r	420	84 00	60	240 00	324 00	
	E F Potts	r	420	84 00	60	240 00	324 00	
	James L Totten	r	420	84 00	60	240 00	324 00	1630 00
Monroe	Joel M Acker	s	350	70 00	60	240 00	310 00	
	Richard Dilworth	r	374	74 80	60	240 00	314 80	
	Thomas C Moore	r	340	68 00	60	240 00	318 00	932 80
Neshoba	Ira H Nash	r	180	36 00	60	240 00	276 00	276 00
Newton	J M Loper	r	140	28 00	60	240 00	268 00	268 00
Noxubee	A W Dabney	s	260	52 00	60	240 00	292 00	
	J D Brooks	r	260	52 00	54	216 00	268 00	
	James M Maxcy	r	260	50 00	49	196 00	246 00	806 00
Oktibbeha	William R Cannon	r	268	53 60	60	240 00	293 60	293 60
Perry	G H Holleman	r	240	48 00	60	240 00	288 00	288 00
Pike	George Nicholson	s	190	38 00	60	240 00	278 00	
	E Rushing	r	200	40 00	60	240 00	280 00	

STATEMENT (*Continued.*)

Counties.	Names of members.		No. of miles ch'd.	Mileage—Compensation.	No. of days ch'd.	Per diem compensation.	Total compensation.	Total expense of each county.	Am't. over drawn
Pike	William Simmons	r	208	41 60	59	236 00	277 60	835 60	
Panola	John W Lumpkin	s	500	100 00	60	240 00	340 00		
	Orville Harrison	r	360	72 00	59	236 00	308 00	648 00	
Pontotoc	Chas D Fontaine	r	360	72 00	59	236 00	308 00		
	Ezekiel Millsaps	r	380	76 00	59	236 00	312 00	620 00	
Rankin	George T Swann	p s	24	4 80	60	360 00	364 80		
	S C Farrar	r	24	4 80	60	240 00	244 80		
	James Y McNabb	r	10	2 00	58	232 00	234 00	843 60	
Scott	A H Metcalf	r	110	22 00	63	252 00	274 00	274 00	12
Simpson	John Berry	r	80	16 00	60	240 00	256 00	256 00	
Smith	P L Lemley	r	80	16 00	60	240 00	256 00	256 00	
Tallahatchie	James S Baily	r	300	60 00	60	240 00	300 00	300 00	
Tippah	N S Price	s	500	100 00	61	244 00	344 00		4
	Joel H Berry	r	480	96 00	56	224 00	320 00		
	C A Green	r	500	100 00	62	248 00	348 00		8
	Daniel Griffin	r	500	100 00	60	240 00	340 00		
	E A Warren	r	500	100 00	58	232 00	332 00	1644 00	
Tishemingo	R H Boone	s	550	110 00	60	240 00	350 00		
	A B Dilworth	r	550	110 00	60	240 00	350 00		
	S O Gibbs	r	550	110 00	59	236 00	346 00		

Tishemingo	D W Hyneman	r	550	110 00	60	240 00	350 00	1396 00	
Tunica	Thos May	r	800	160 00	58	233 00	392 00	392 00	
Warren	John I Guion	s	90	18 00	56	233 00	251 00		9*
	M Emanuel	r	90	18 00	60	240 00	258 00		
	E J Sessions	r	120	24 00	60	240 00	264 00		
	J E Sharkey	r	90	18 00	60	240 00	258 00	1031 00	
Washington	A F Smith	r	290	58 00	59	236 00	294 00	294 00	
Wilkinson	T Jones Stewart	s	300	60 00	60	240 00	300 00		
	V N H Netterville	r	360	72 00	48	192 00	264 00		
	H F Simrall	r	300	60 00	60	240 00	300 00	864 00	
Wayne	John H Horne	s	240	48 00	60	240 00	288 00		
	Joseph Frost	r	280	56 00	60	240 00	296 00	584 00	
Winston	Thos J Hughs	r	200	40 00	60	240 00	280 00		
	S W Smyth	r	200	40 00	60	240 00	280 00	560 00	
Yalobusha	Wm B Wilborne	s	284	56 80	56	224 00	280 80		
	R H Leigh	r	296	51 20	60	240 00	312 00		
	C H Guy	r	272	54 00	60	240 00	294 00		
	Daniel York	r	300	60 00	48	192 00	252 00	1138 80	
Yazoo	Wm R Miles	s	100	20 00	60	240 00	260 00		
	Robert L Adams	r	100	20 00	50	200 00	220 00		
	G W Woodbury	r	100	20 00	63	252 00	272 00	752 00	12
Issaquena	James J B White	r	126	25 20	60	240 00	265 20	265 20	
Sunflower	James J Chewning	r	490	98 00	60	240 00	338 00	338 00	

*Charged $5 00 per day for nine days.

STATEMENT (*Continued.*)

Names of officers.	No. of days charged.	Per diem compensation.	Am't. over ch'd.
G F Henry, Clerk	64	256 00	16
N G North, Clerk	60	240 00	
J M Chiles, Clerk	72	288 00	32
D F Dozier, Clerk	53	212 00	
B F Dill, Clerk	60	240 00	
Jehu A Orr, Clerk	60	240 00	
C A Wade, Clerk	59	236 00	
G R Kiger, Clerk	60	240 00	
W R Adams, Clerk	70	280 00	40
Thomas B Ozment, Clerk	59	236 00	
John A Wilcox, Secretary,	63	378 00	
Miles W Moody, Clerk	59	236 00	
Reuben Leach, Sergeant-at-arms	60	240 00	
J E Cravens, Clerk	61	244 00	4 Paid back
W E McAllister, Clerk	52	208 00	
James Z George, Clerk	59	236 00	
E P Russell, Clerk	71	284 00	28
Charles E Smedes, Clerk	60	240 00	
E Pickett, Clerk	59	236 00	
J H Westbrook, Clerk	40	160 00	

J D Montgomery, Clerk	64	384 00	
C B McGuire, Clerk	55	220 00	
E S Furnish, Door Keeper	60	180 00	
Joseph S Le[illegible]	1	4 00	
Hugh S Fre[illegible]	1	4 00	
James Hudson, Door Keeper	60	180 00	

JAMES E. MATTHEWS,

Auditor of Public Accounts.

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